S.P. 48/22



St Helena
Government

ST HELENA GOVERNMENT

STANDING ORDERS OF THE LEGISLATIVE COUNCIL



St Helena

Standing Orders

of the

Legislative Council

made by the Council, in accordance with section 68 of the Constitution.

Approved by Resolution of the Legislative Council

on the 16th day of December 2022.

Clerk of Council

ST. HELENA LEGISLATIVE COUNCIL

STANDING ORDERS

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ORDER 1 - Preliminary

Rule 1. Commencement and Transitional Arrangements

(1) These Orders take effect immediately upon being approved by resolution of the Council and supersede all previous Standing Orders.

(2) In case of any doubt or ambiguity as to the procedure to be adopted during the transition from the previous Orders to these Orders, the procedure shall be such as the Speaker may direct.

Rule 2. Interpretation

(1) Words and expressions which are defined in the Constitution have the same meanings when used in these Orders.

(2) In these Orders, unless the context requires otherwise—

"Appropriation Bill" has the same meaning as in the Financial Management Ordinance; and includes a Supplementary Appropriation Bill;

"Chairperson" means the person who presides over the Council when the Council is sitting as a Committee of the whole Council, or the person elected to be the Chairperson of a Committee or a Select Committee of the Council as the case may be;

"Chief Minister" means the Chief Minister elected in accordance with section 37 of the Constitution;

"Clerk" means the Clerk of Council;

"Code of Conduct" means the rules approved by the Legislative Council to provide guidance to a Member as to standards of conduct expected of a Member in the discharge of the Member's duties as a member of the Legislative Council and prepared in accordance with section 71*(b)* of the Constitution;

"Constitution" means the Constitution set out in the Schedule to the St. Helena, Ascension and Tristan da Cunha Constitution Order 2009;

"Council" means the Legislative Council and includes a Committee of the whole Council;

"Council Chamber" means the room in which the business of the sitting is transacted;

"Government business" means Bills and motions sponsored by a Member of the Executive Council with the authority of the Governor;

"in writing" includes electronic mail, an electronic message or an attachment to electronic mail or an electronic message;

"Member" means a Member of the Council (including, for the avoidance of doubt, the Speaker, the Deputy Speaker, and the *ex officio* Member referred to in section 48(b)(ii) of the Constitution); and "**Elected Member**" refers to any of the Members elected pursuant to section 48(b)(i) of the Constitution;

"meeting" has the same meaning as that provided in section 115 of the Constitution;

"Minister" means a Minister appointed in accordance with section 37A of the Constitution;

"private Members' business" means Bills or motions which are not Government business;

"Select Committee" means a Select Committee of the Council;

"short title", in relation to a Bill, means the title by which, according to its terms, it will be cited if it is enacted, substituting the word 'Bill' for the word 'Ordinance';

"sitting" has the same meaning as that provided in section 115 of the Constitution;

"Speaker" means the Speaker elected under section 55 of the Constitution who is the person lawfully presiding at a sitting of the Council in accordance with the provisions of the Constitution and includes—

(a) the Deputy Speaker and the Clerk of Council whenever either of them is lawfully performing the functions of the Speaker in accordance with section 62(3) of the Constitution, and

(b) the Governor, during the period between a dissolution and the first meeting of the Council thereafter;

"stranger" means any person who is not a Member of the Council, other than the Clerk or any public officer on official duty in the Council Chamber;

"an urgent question" is a question which must relate to a very recent or imminent event or development on which the person to whom the question is directed may reasonably be expected to provide an answer on the day upon which the question is asked and the subject matter of the question must be important in terms of public policy and must have a national interest or more than a temporary significance;

and—

(a) references to a numbered Order are references to the Order so numbered in these Orders;

(b) references to a numbered Rule are references to the Rule so numbered in the Order in which the reference appears; and

(c) the word "present" when used to reference the existence of a person at a meeting of the Council includes a person in attendance virtually.

(3) In interpreting references to "clear days", all Saturdays, Sundays, Public and Government Holidays, shall be excluded.

Rule 3. Meetings, Order Paper, and allocation of seats

(1) The meetings of the Council shall commence as provided for in section 61 of the Constitution but not less than three clear days after the date on which the Order Paper is circulated to Members by the Clerk.

(2) Unless the Speaker shall otherwise direct, the Council shall not meet except between the hours of 10:00 am and 6:00 pm.

(3) The Speaker may at any time, for the convenience of Members, suspend a sitting for a stated period.

(4) The Speaker shall allocate a seat for each Member of the Council including a Member attending the meeting virtually.

(5) Before the opening of each sitting of the Council, the Clerk shall distribute to Members a paper (to be known as the Order Paper) approved by the Speaker and setting forth the order of the day.

(6) The Council may meet by way of virtual meetings as provided in the Overseas Territories (Constitutional Modifications) Order 2020.

(7) A Member, at the discretion of the Speaker and upon receipt of permission in writing from the Speaker, may attend and participate in a meeting virtually.

(8) The Speaker must, before exercising the discretion under Rule 3.7., be satisfied

that a Member cannot attend a meeting in person and that it is necessary for the Member seeking the exercise of the Speaker's discretion to attend the meeting virtually.

(9) Where a Member attends a meeting virtually the draft Record must reflect the virtual attendance of the Member.

Rule 4. Presiding in Council

(1) The person presiding at a sitting of the Council shall act as the Chairperson of a Committee of the whole Council.

(2) The Speaker shall have power to regulate the conduct of business in all matters not provided for in these Orders and such power to regulate must not be contrary to these Orders or any rules or codes made thereunder.

Rule 5. Responsibility for Order

(1) The Speaker shall be responsible for the observance of the rules of Order in the Council and the Speaker's decision on any point of order shall be final.

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

(3) During a sitting Members shall enter or leave the Council Chamber with decorum.

(4) Members shall not read books, newspapers, letters, or other papers or use any electronic device in the Council Chamber, except where such books, papers and electronic devices are directly connected with the business under debate and can be referred to in a way that does not impair decorum or otherwise cause any disturbance to the proceedings of the Legislative Council.

(5) Members shall not make unseemly interruptions while any Member is speaking.

Rule 6. Speaker's and Chairperson's powers to enforce order

(1) If a Member shows disregard for the authority of the Speaker or Chairperson or abuses the rules of the Council by persistently and wilfully obstructing the business of the Council, or otherwise the Speaker shall direct the attention of the Council to the incident, mentioning by name the Member concerned.

(2) Following the direction of the Speaker under Rule 6.1. a motion may then be made by any Member that the Member showing disregard for the authority of the Speaker be suspended from the proceedings of the Council;

(3) Pursuant to a motion made under paragraph 6.2. the Speaker shall forthwith put the question, no amendment, or adjournment, or debate being allowed, "That (*the Member named in the motion made pursuant to Rule 6.2*) be suspended from the proceedings of the Council".

(4) If the offence under Rule 6.1. is committed in a Committee of the Whole Council—

(a) the Chairperson shall forthwith suspend the proceedings of the Committee and resume in Council; and

(b) the Speaker shall, on a motion being made pursuant to Rule 6.2., put the question in accordance with Rule 6.3.

(5) If a Member be suspended under the provisions of this Order, the Member's suspension shall last for a period determined by the Council.

(6) The Speaker, after having called the attention of the Council or Committee to the conduct of a Member who persists in irrelevance or tedious repetition, either of that Member's own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue the Member's speech.

(7) The Speaker may direct a Member whose conduct is grossly disorderly, to withdraw immediately from the Council Chamber for the remainder of the sitting.

(8) If a direction to withdraw under Rule 6.7. be not complied with at once, or if on any occasion the Speaker deems that the Speaker's powers under that Rule are inadequate, the Speaker may name such Member or Members in pursuance of Rule 6.1.

(9) A Member who is suspended under Rule 6.2, or is directed to withdraw under Rule 6.7, shall withdraw forthwith from the precincts of the Council Chamber.

(10) The Speaker or Chairperson acting under Rule 6.2 or 6.7 of this Order, may direct such steps to be taken as are required to enforce the Speaker's direction.

(11) In the case of grave disorder arising in the Council or Committee, the Speaker or Chairperson, as the case may be, may, if the Speaker or Chairperson thinks it necessary to do so, adjourn the Council or Committee without question put, or suspend any meeting for a time to be named by the Speaker or Chairperson.

ORDER 2 – Record of Proceedings

Rule 1. Preparation of record

A Record of the Proceedings of the Council shall be prepared under the supervision of the Clerk, acting under such instructions as the Speaker may give; the draft Record shall be sent to each Member as soon as practicable after each sitting.

Rule 2. Correction of record

On receipt of the draft Record of Proceedings of any sitting the Council, any person to whom a copy of it has been sent pursuant to Rule 1, may draw the Clerk's attention to any apparent error in the draft record and the Clerk, if satisfied that it is necessary to correct the draft Record, and that any such correction will in no way alter the sense of anything actually said, or record anything not actually said, shall amend the draft accordingly.

Rule 3. Punctuation and spelling errors

The Clerk may, in any case, amend the draft Record so as to correct any error of punctuation or spelling.

Rule 4. Confirmation of record

The draft Record, if corrected then as corrected, shall be laid upon the Table at the next sitting which must not be held less than 10 clear days after the date on which the draft Record is distributed to Members; and:

(a) upon the order being made that the Record do lie upon the table, unless any Member immediately moves (on a Point of Order) that the draft be amended, the Speaker shall forthwith put the question "That the draft Record be confirmed" and such question shall be voted upon without amendment or debate;

(b) after the Record of the Proceedings of any sitting has been so confirmed no alteration may be made to it; confirmation shall be recorded by the Record being signed by the Speaker.

Rule 5. Confirmation of record after dissolution

If the draft Record is not confirmed before the Legislative Council is dissolved in accordance with section 76 of the Constitution, the Speaker may direct the Clerk, in the manner specified by the Speaker, to verify that the draft Record may be confirmed.

Rule 6. Vote in respect of verification

Upon the verification of the Clerk in accordance with Rule 5 the Speaker shall forthwith put the question "That if the Members are satisfied with the verification of the Clerk that the draft Record be confirmed" and such question shall be voted upon without amendment or debate.

Rule 7. Custody

The Clerk is responsible for the custody of the votes, records, Bills, and other documents laid before the Council and shall make such votes, records, Bills and other documents available to the public for inspection.

ORDER 3 – Quorum

Rule 1. Constitution and procedure

A quorum consists of seven Elected Members (including any Member presiding), as provided in section 64 of the Constitution and if any Member draws the attention of the Speaker to the fact that a quorum is not present, or if, from the number of Members taking part in a division, including those Members who declined to vote, it appears that a quorum is not present, the Speaker shall suspend the sitting for 10 minutes.

Rule 2. Virtual attendance included

A Member in virtual attendance is included when the presence of a quorum is being determined for any part or stage of a meeting.

Rule 3. Resumption of sitting

After the expiration of 10 minutes, the Speaker shall resume the sitting and again count the Council; if a quorum is not then present, the Speaker shall adjourn the Council ***sine die***, without question put.

Rule 4. Procedure when quorum lost

When the absence of a quorum has been identified in Committee of the whole Council, the Chairperson shall, after the expiration of 10 minutes, count the Committee; if a quorum is not then present, the Council shall resume and the Speaker shall count the Council, and:-

(a) if a quorum is not present, the Speaker shall proceed as provided in Rule 3;

(b) if a quorum is then present, the Council shall again resolve into a Committee (without question put) and continue the business of the Committee.

ORDER 4 – Order of business

Rule 1. Agenda

Unless the Speaker otherwise directs, or a meeting of the Council is convened specifically for questions to be put to a Minister in accordance with Order 9, the business of each sitting shall be transacted in the following order—

(a) Formal entry of the Speaker.

(b) Prayers.

(c) Administration of Oaths or Affirmations to new Members.

(d) Elections, in the following order:

1. Speaker
2. Deputy Speaker
3. Chief Minister
4. Members of Public Accounts Committee
5. the Chairpersons of the Select Committees pursuant to section 69A of the Constitution

(e) Messages from His Majesty the King.

(f) Messages from, or address by, the Governor.

(g) Address by the Speaker.

(h) Obituary speeches.

(i) Petitions.

(j) Papers.

(k) Questions.

(l) Government business.

(m) Private Members' business;

and messages from His Majesty or from the Governor shall be read by the Speaker.

Rule 2. Prayers

At the beginning of the transaction of the business of the sitting in accordance with Rule 1 and before the beginning of Prayers the Speaker shall advise the persons present in the Council Chamber—

(a) that a person is not compelled to attend the Prayers and a person who does not wish to be present in the Council Chamber during the Prayers, has the option to be excluded from the Prayers, either by leaving the person's seat, by exiting the Council Chamber or by whatever means the person considers appropriate but without disrupting the business of the sitting; and

(b) that such person is required to return to the Council Chamber at the conclusion of the Prayers.

ORDER 5 – Elections

Rule 1. Application

This Order applies to the election of the Speaker, the Deputy Speaker, Chief Minister, the Chairperson for each Select Committee under Section 69A of the Constitution and each Member of the Public Accounts Committee.

Rule 2. Election for each position

An election is required to fill each position specified in Rule 1.

Rule 3. Call for nominations

After the Clerk has announced an item of business which comprises an election, the

Speaker shall call for nominations.

Rule 4. Announcement of election

The Clerk shall announce each election to fill each position specified in Rule 1 as a separate item of business.

Rule 5. Nominations for each election

The Speaker shall call for nominations for each election.

Rule 6. Proposal

Any Elected Member who has not already proposed or seconded a candidate in the same election may propose any other Member (or, in the case of the election of a Speaker or Deputy Speaker, any other person) for election;

PROVIDED THAT, in an election of Members of the Public Accounts Committee, each Member may propose or second as many candidates as there are vacancies to be filled.

Rule 7. Proposing self not permitted

An Elected Member, in an election to fill a position specified in Rule 1 cannot—

(a) propose the Elected Member (himself or herself) for election; or

(b) second the Elected Member (himself or herself) if the Elected Member (he or she) is proposed.

Rule 8. Stipulations in respect of proposing and seconding

If an Elected Member proposes a candidate for election to fill a position specified in Rule 1, the Elected Member cannot—

(a) second the Elected Member's (his or her) own proposal of a candidate;

(b) propose another candidate in the same election;

(c) second the proposal of another candidate made by any other Elected Member.

Rule 9. Proposing or seconding second candidate forbidden

If an Elected Member seconds the proposal of a candidate for election to fill a position specified in Rule 1, the Elected Member cannot—

(a) make a proposal for another candidate; or

(b) second the proposal of another candidate.

Rule 10. Only one proposal

A candidate cannot be proposed more than once in an election.

Rule 11. Candidates for Speaker and Deputy Speaker

An Elected Member cannot be a candidate for the position of Speaker or of Deputy Speaker.

Rule 12. Exceptions

Rules 7 through 11 do not apply to the election of a Member of the Public Accounts Committee and each Elected Member may either propose or second as many candidates as there are vacancies to be filled in such election.

Rule 13. Call for seconder

Subject to Rules 7 through 12, when a proposal is made, the Speaker shall call for a seconder to the proposal.

Rule 14. When proposals not restricted

Any Elected Member may second a proposal made in accordance with Rule 12.

Rule 15. No second

If a proposal is not seconded in accordance with Rule 14, no further proceedings may be taken in respect of the proposal.

Rule 16. Notification of acceptance

A person may, in writing, notify the Clerk that the person will accept a nomination to be a candidate in respect of whom a proposal is to be made in accordance with this Order.

Rule 17. Meaning of "in writing"

For the avoidance of doubt, "in writing" includes any electronic mail, or an attachment to an electronic message for the purpose of Rule 16.

Rule 18. Confirmation of notification

When a proposal for a candidate is seconded the Clerk shall confirm to the Speaker whether a notification was made in accordance with Rule 16 and if no notification is confirmed, the Speaker shall call upon the candidate proposed to state whether or not the candidate will accept the nomination.

Rule 19. Nomination declined

If a candidate declines to accept a nomination, no further proceeding shall be taken in respect of the proposal made in respect of the candidate.

Rule 20. Proposal seconded and accepted

Upon a proposal being seconded and accepted, the candidate shall stand duly proposed for election.

Rule 21. No further proposals

When the Speaker is satisfied that there are no further proposals to be made, the Speaker shall proceed according to whichever is appropriate of the following Rules.

Rule 22. Declaration if no candidates

If there are no candidates duly proposed for election, the Speaker shall declare that the Council has failed to elect a Speaker, Deputy Speaker, Chief Minister, the Chairperson for each Select Committee under Section 69A of the Constitution or Member of the Public Accounts Committee, as the case may be.

Rule 23. When no vote necessary

If the number of candidates duly proposed for election does not exceed the number of vacancies to be filled, the Speaker shall put the question "That [name(s) of candidate(s)] be duly elected", which question shall be voted upon without amendment or debate; and—

(a) if the question be agreed to, the candidate(s) shall stand duly elected;

(b) if the question be negatived, the Speaker shall declare that the Council has failed to elect a Speaker, Deputy Speaker, Chief Minister, the Chairperson for each Select Committee under Section 69A of the Constitution or Member of the Public Accounts Committee, as the case may be.

Rule 24. Address before voting

If the number of candidates duly proposed for election exceeds the number of vacancies to be filled, then—

(a) each candidate may address the Council for not more than five minutes, and they shall be called to speak in alphabetical order of their surnames (and those of the same surname shall be called in alphabetical order of their forenames);

(b) after all the candidates who wish to speak have done so, the Speaker may suspend the sitting to allow time for the preparation of ballot papers;

(c) the Clerk shall issue a ballot paper to each Elected Member;

(d) each Elected Member shall then mark an "X" against the name of each candidate for whom the Elected Member intends to vote, then fold the ballot paper so that the Elected Member's vote(s) cannot be seen and hand the folded ballot paper to the Clerk;

Provided that, any ballot paper on which more votes are cast then the number of vacancies to be filled shall be void and none of the votes thereon shall be counted.

(e) the Clerk shall then shuffle the folded ballot papers, then open them and count the votes.

Rule 25. Speaker, Deputy Speaker, Chief Minister and Chairpersons

In the case of an election of the Speaker, the Deputy Speaker, the Chief Minister, or the Chairperson for each Select Committee under Section 69A of the Constitution the candidate who receives the votes of a majority of all the Elected Members shall stand duly elected, and the Speaker shall declare such candidate to have been duly elected to be the Speaker, the Deputy Speaker, the Chief Minister or the Chairperson for each Select Committee under Section 69A of the Constitution, as the case may be;

Provided that—

(a) If there were more than two candidates, and none of them received the votes of a majority of all the Elected Members, the candidate with the lowest number of votes shall be deemed eliminated and a fresh ballot shall be taken in which the remaining candidates shall be the only candidates (but the candidates shall not have a fresh opportunity to address the Council).

(b) If the votes be equally divided, the Speaker shall adjourn the item of business until the next day, and on that day conduct a fresh election *ab initio*.

(c) If, in an election held under paragraph *(b)*, the votes are again equally divided, the Speaker shall declare that the Council has failed to elect a Speaker, Deputy Speaker, Chief Minister or Chairperson for each Select Committee under Section 69A of the Constitution as the case may be.

Rule 26. Election for Public Accounts Committee

In the case of an election of a Member of the Public Accounts Committee—

(a) if only one vacancy is to be filled, Rule 11 applies;

(b) if two or more vacancies are to be filled, then the number of candidates equal to the number of vacancies, who obtain the greatest number of votes validly cast, shall be declared elected; and

(i) in the event of an equality of votes between two or more candidates, where the number of votes for each of them would affect the result of the election, the candidates not involved in the tied vote shall be declared elected or not (according to whether they have more or fewer votes than the tied candidates); then

(ii) a fresh ballot shall be taken in which the tied candidates shall be the only candidates (but the candidates shall not have a fresh opportunity to address the Council).

ORDER 6 – Petitions

Rule 1. Who may present petition

A petition may be presented to the Council only by a Member.

Rule 2. Petition will not be received

The Council shall not receive any petition which—

(a) is not addressed to the Council;

(b) is not properly or respectfully worded;

(c) does not have at least one signature and the address of the person signing on the sheet on which the prayer of the petition appears, and which does not have at least the prayer at the head of each subsequent sheet of signatures;*(d)* in the opinion of the Speaker does not conform to these Standing Orders.

Rule 3. Deposit of petition

The first page of a petition shall be signed by the Member in charge of it and shall be deposited (at least one clear day before the sitting at which the Petition is to be presented) with the Clerk for the Speaker's approval; no petition shall be presented until it has been approved by the Speaker and endorsed by the Clerk with the words "passed by the Speaker".

Rule 4. Frivolous and vexatious petitions

The Speaker, at the Speaker's discretion, may determine that a petition is frivolous or vexatious and such petition shall not be received by the Council.

Rule 5. .

Rule 5. Summary permitted

No speech shall be made by a Member presenting a petition, beyond a summary statement and description of the petitioners and the substance of the petition.

Rule 6. Petitions to lie on Table

All petitions presented to the Council shall be ordered to lie upon the Table without question put; unless the Member presenting it moves that it be referred to a Select Committee; any such motion shall be decided forthwith or debated as Members consider appropriate in the circumstances.

ORDER 7 – Papers

Rule 1. Delivery of papers

A Member presenting a paper shall deliver it to the Clerk at least 5 clear days before the date on which it is to be presented, and the Clerk shall forthwith cause a copy thereof to be delivered to every Member;

Rule 2. Explanatory statement

A Member presenting a paper may make a short explanatory statement of its contents; all papers presented to the Council shall be ordered to lie upon the Table without question put, but nothing in this Rule shall prevent the paper being the subject of a motion for debate (on due

notice, or notice being dispensed with, in accordance with Order 11).

ORDER 8 – Questions

Rule 1. By whom Questions may be asked

Subject to the provisions of this Order, any Elected Member may put questions to the Chief Minister or a Minister, relating to public affairs within the Chief Minister's or Minister's portfolio.

Rule 2. Chief Minister to consult

If a question concerning matters of Government business for which no Minister is responsible, such question shall be answered by the Chief Minister after consultation with the Governor.

Rule 3. Rules for Questions

Questions must comply with the following rules—

(a) a question shall not contain arguments, inferences, opinions, imputations, epithets, or controversial, ironical, or offensive expressions;

(b) a question shall not refer to debates or answers to questions in the current meeting, nor may a question be asked which is in substance a repetition of a question already answered or to which an answer has been refused during the preceding six months;

(c) not more than one subject shall be referred to in anyone question, and questions shall not be of excessive length;

(d) a question shall not contain the names of persons or statements not strictly necessary to render the question intelligible nor contain charges which the Member who asks them is not prepared to substantiate;

(e) a question may not be asked for the purpose of obtaining a legal opinion, an expression of opinion, the solution of an abstract legal case or the answer to a hypothetical proposition;

(f) a question may not be asked which makes or implies charges of a personal character or which reflects upon character or conduct except of persons in their official or public capacity;

(g) references may not be made to any matter on which a judicial decision is pending in such way as to prejudice the interests of the parties thereto;

(h) a question may not ask whether statements in the press or of private individuals or unofficial bodies are accurate; nor may a question be based on a newspaper report,

and any question which, in the opinion of the Speaker, does not comply with this rule shall be rejected by the Speaker.

Rule 4. Questions to be in writing, and on approved form

Every question shall be put in writing and delivered to the Clerk on a form approved by the Speaker for the purpose; questions can be submitted at any time but not less than 10 clear days prior to the date upon which a formal meeting of the Legislative Council is scheduled to be held unless such question is an urgent question.

Rule 5. Question deferral

Subject to Rule 4. a question not submitted 10 clear days before the date of a formal meeting of the Legislative Council may be permitted at the discretion of the Speaker but unless the Speaker exercises such discretion, such question will be deferred until the formal meeting of the Legislative Council after the meeting at which the question was not permitted.

Rule 6. Question referred to Speaker

On receipt of a question, the Clerk, shall forthwith refer the question to the Speaker for the Speaker's decision whether the question is permitted in accordance with this Order.

Rule 7. Rejection of question and reason

If the Speaker rejects the question, the Speaker must provide a reason for such rejection.

Rule 8. Member to be informed of rejection

The Clerk shall inform the Member who lodged the question that the question was rejected and must provide the Member with the reason provided by the Speaker, and no further action may be taken thereon.

Rule 9. Copy of questions to Chief Minister

The Clerk shall, as soon as is practicable after receipt of the Speaker's decision in respect of each question, send to the Chief Minister a copy of each question approved pursuant to this Order by the Speaker for the meeting.

Rule 10. Records to be kept

The Clerk shall keep a record of each question lodged by each Member and of each reason provided by the Speaker where a question is rejected; the record will be in two parts:

Part A: those questions to which the Member has requested an oral answer, listing them in chronological order of the date and time of lodging; and

Part B: those questions to which the Member has not requested an oral answer.

Rule 11. Copy of records to be sent to Chief Minister and written answers

The Clerk shall, 10 clear days before the start of each meeting of the Council, send to the Chief Minister a copy of each of the records held under rule 4; and, in the case of a question for which oral answer is not requested —

(a) the Chief Minister shall arrange for the Member responsible for answering the question to deliver to the Clerk (at least three clear days before the start of the meeting) a written answer to the question;

(b) the written answers shall be distributed to Members with the Order Paper for the first sitting of the meeting; and

(c) the questions and answers will be recorded in the Official Record.

Rule 12. Written answers

Each Member may ask no more than three questions for oral answer and three written questions at each meeting; the Clerk shall place on the Order Paper for each sitting, for each Member, the oldest three questions in Part A of that Member's record kept under Rule 10.

Rule 13. Supplementary questions

When an oral answer has been given to a question, any Member may ask supplementary questions for the purpose of elucidating any matters of fact regarding which an answer has been given; a supplementary question shall not be used to introduce matters not related to the original question.

ORDER 9 – Ministers question time

Rule 1. Meeting

A meeting of the Council, in accordance with this Order, may be convened specifically for questions to be put to a Minister.

Rule 2. Business to be transacted

The business of a meeting convened pursuant to Rule 1. shall be transacted in the manner directed by the Speaker after consultation with Members who are not Ministers and must include the topic relevant to the Minister scheduled to attend the meeting.

Rule 3. Notice to Chief Minister

The Chief Minister must, at least 4 clear days before the date on which the meeting is scheduled to be convened, be notified by the Clerk of the topic of the business to be transacted at the meeting.

Rule 4. Restrictions in respect of meetings

A meeting pursuant to Rule 1 must not—

(a) be convened more than once in any week;

(b) exceed one hour in duration from the time that the first question is asked; and

(c) be convened to question a Minister for successive sittings.

Rule 5. Application of Order 8

Order 8, with the exception of Rule 3, does not apply in respect of a sitting convened specifically for questions to be put to Ministers.

Rule 6. Who permitted to question

Any Elected Member who is not appointed as a Minister may put a question to a Minister and is permitted to put one question and one supplementary question to a Minister.

Rule 7. Types of questions

A question to a Minister may only relate—

(a) to matters of public importance; and

(b) to an ongoing or current issue under the management of the current government administration.

Rule 8. Speaker's discretion

The Speaker, in the Speaker's discretion, may determine the questions that will be permitted to be put to a Minister.

Rule 9. Leave of the Speaker

Unless the leave of the Speaker is obtained a question to be put to a Minister must be submitted to the Speaker (via the Clerk) no later than 5 days before the day of the date scheduled for the sitting at which the question is to be considered.

Rule 10. Member may obtain leave

Further to Rule 9 a Member who is not a Minister may obtain leave of the Speaker to put a question which is an urgent question to a Minister.

Rule 11. No restriction where leave obtained

A question for which leave is obtained may relate to a topic which is not included in the business to be transacted at the meeting convened pursuant to this Order.

Rule 12. Disapplication of Rule 3

Rule 3 does not apply to a question to which Rule 10 applies.

Rule 13. Minister may be summoned

Subject to Rule 14 the Speaker, in writing, may at the discretion of the Speaker summon a Minister who was not scheduled to attend a meeting convened pursuant to this Order to attend such meeting.

Rule 14. When Minister may be summoned

A Minister must only be summoned to respond to an urgent question.

Rule 15. Question may be deferred

A question that is not addressed may be addressed at a subsequent sitting.

Rule 16. Clerk to keep record

The Clerk shall keep a record of the questions lodged by each Member.

ORDER 10 – Matters for debate

Rule 1. Who may present Bills, Motions, Petitions and Papers

Subject to the provisions of the Constitution, and of these Orders, any Member may introduce any Bill or propose any motion for debate in, or present a petition or a paper to, the Council, and the same shall be disposed of according to these Standing Orders.

Rule 2. Restriction on renewal of matters determined

When a question for debate has been proposed, debated, and disposed of it shall not be in order for any Member, without special leave of the Speaker and the assent of the Council, again to propose such question during the ensuing six months.

Rule 3. Governor's consent to certain Bills and motions

In relation to any item of business which, in accordance with section 73(2) of the Constitution, can only be proceeded with on the recommendation of the Governor, the signification of the recommendation of the Governor—

(a) may be intimated orally by any Member of the Executive Council; and

(b) shall be recorded in the Official Record of the Council.

Rule 4. Governor may submit a Bill or Motion

The Governor may submit a Bill or motion for consideration by the Council. The question on any such Bill or motion shall be proposed from the chair and shall not require to be seconded.

ORDER 11 – Notice of motions

Rule 1. General requirement for notice, and exceptions

Subject to the provisions of these Orders, notice shall be given of any motion which it is proposed to make, with the exception of the following—

(a) a motion for the amendment of any motion;

(b) a motion for the adjournment of the Council or of a debate;

(c) a motion for the suspension of Standing Orders put with the leave of the Speaker;

(d) a motion for the withdrawal of strangers;

(e) a motion that the Council resolve itself into Committee;

(f) a motion made in Committee of the whole Council;

(g) a motion (including a motion of no confidence) arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;

(h) a motion in respect of which notice has been dispensed with under Rule 2;

(i) a motion to amend a draft record, moved in accordance with Order 2, Rule 3*(a)*;

(j) a motion presented immediately after the completion of procedure on an Appropriation Bill, for the purpose of giving effect to any change in any rate of tax or allowance announced by the Chief Minister or the Minister responsible for Finance in the financial statement or budget speech.

Rule 2. Notice may be dispensed with

Notice may be dispensed with in respect of any proceedings for which notice is required, only with the consent of the Speaker and the assent of the majority of the Members present at the time.

Rule 3. Manner of giving notice

Where under the provisions of these Orders notice is required, such notice shall be given by being handed in at the Table during a sitting of the Council or by delivery at the office of the Clerk; the notice shall be in a form approved by the Speaker for the purpose and shall—

(a) set out the precise form of the motion;

(b) specify the date on or after which the proposer intends to propose the motion;

(c) be signed by the proposer and seconder of the motion;

(d) if appropriate, contain a statement that the motion is Government business;

(e) if appropriate, contain a statement that the motion is presented on the recommendation of the Governor in accordance with section 73(2) of the Constitution.

Rule 4. Clerk's duties on receiving notice

The Clerk shall record the day upon which a notice was handed in and, as soon as is practicable thereafter, send a copy of the notice to the Speaker; and the Speaker shall—

(a) if the date specified pursuant to paragraph *(b)* in Rule 3 is less than 10 clear days after the date on which notice was given, either reject the motion or assent to it being placed on the Order Paper for consideration under Rule 2; or

(b) if the motion appears to the Speaker to be one which can only proceed on the recommendation of the Governor in accordance with section 73(2) of the Constitution, and the notice does not contain a statement in accordance with paragraph *(e)* in Rule 3, reject the motion; or

(c) unless the motion be ruled out of Order, order that the notice be printed and included in the Order Paper for the first sitting which is not earlier than the date

specified pursuant to paragraph *(b)* in Rule 3.

Rule 5. Speaker may amend notice

Any such notice, if printed, shall be printed in the form in which it is handed in or with such alterations as the Speaker shall direct.

ORDER 12 – Motions and amendments

Rule 1. Manner of moving and debating motions

When a motion is called for debate the Member moving the motion shall read the motion exactly as it is printed in the Order Paper; if the motion is seconded, the mover may give an exposition of its provisions and thereafter the motion may be debated, and the mover may reply after other Members if any have spoken thereon; the reply by the mover must be confined to matters arising from the debate and must not introduce any new matter.

Rule 2. Amendment may be proposed

When any motion is under consideration in the Council an amendment may be proposed to such motion if it be relevant to the matter then under discussion; if the amendment is seconded, debate on the original motion stands suspended until the amendment has been debated and voted upon.

Rule 3. Effect of amendment

If an amendment is negatived, debate on the original motion then resumes; if an amendment is passed, debate on the amended motion proceeds as if the motion (as amended) had been originally moved by the mover of the amendment.

Rule 4. Withdrawal of motion

A motion may be withdrawn at the request of the mover at any time before the question on it has been fully put, provided there is no dissentient voice;

Provided that, if an amendment has been proposed, the original motion may not be withdrawn until the amendment has been disposed of.

Rule 5. Debating amendments

Rules 2 through 4 apply when an amendment is under debate as if that amendment was an original motion.

Rule 6. Motion not moved

If a Member does not move a motion or amendment which stands in the Member's name when the Member is called on, it shall be removed from the Order Paper, unless some other Member duly authorised by that Member in writing to the Clerk at least thirty minutes before the start of the sitting moves it in the Member's stead:

Provided that Government business may be moved by any Member of the Executive Council.

Rule 7. Motion moved but not seconded

No question shall be proposed upon any motion or amendment, which under these Standing Orders is required to be seconded, if it is not so seconded, and no record of proceedings upon the motion or amendment shall be entered in the Record of the proceedings of the Council.

ORDER 13 – Bills

Rule 1. Presentation of Bills

Every Bill shall be presented in the form of a Paper and no proceedings shall be taken upon any Bill unless the Paper containing it was delivered to the Clerk at least 10 clear days before the day on which it is to be presented;

Provided that if a certificate of urgency signed by the Governor is laid upon the Table with the Bill, it may be presented to the Council notwithstanding the fact that the Paper was not so presented.

Rule 2. Copies to be sent to Members

As soon as is practicable after the delivery of a Paper containing a Bill, the Clerk shall cause the Bill to be printed and published and send a copy thereof to each Member.

Rule 3. Application of Orders 11 and 12

Subject to the following provisions of this Order, Orders 11 and 12 apply to all motions in connection with Bills.

Rule 4. Stages of Bills

No Bill shall be presented to the Governor for enactment unless it has passed the following three stages of procedure in the Council—

(a) Stage 1, as provided for in Rule 5;

(b) Stage 2, as provided for in Rule 6;

(c) Stage 3, as provided for in Rule 7.

Rule 5. Stage 1

Stage 1 is commenced by the Member in charge of the Bill proposing "That the (short title) be approved in principle and referred to a Committee of the whole Council"; if the motion is seconded, the mover may give an exposition of the provisions of the Bill, during which the Member shall state its long title.

Rule 6. Stage 2

On the motion mentioned in Rule 5, debate shall be confined to the broad principles of the Bill.

Rule 7. Where motion negatived

If the motion on Stage 1 of a Bill be negatived, no further proceedings shall be taken on that Bill and no Bill substantially to the same effect may be introduced during the period of six months after the day on which the motion was so negatived.

Rule 8. Motion to Stage 2

If the motion be agreed to, the Bill shall stand committed to a committee of the whole Council or to a Select Committee (the Committee Stage); and the Member in charge of the Bill may immediately (without notice) move either—

(a) a motion under Rule 9; or

(b) that further procedure on the Bill be adjourned until a specified date, or for a specified time, or sine die,

and if no such motion is moved, further procedure on the Bill stands adjourned (without question put) until Stage 2 is initiated by a motion of which due notice is given in accordance with Order 11.

Rule 9. Stage 2

Stage 2 is commenced by the Member in charge of the Bill proposing—

(a) "That this Council do resolve itself into a Committee to consider the detailed provisions of the (short title)"; or

(b) "That this Council do resolve that a Select Committee be constituted to consider the detailed provisions of the (short title).

Rule 10.

If a proposal under Rule 9 is seconded, the question on the motion shall be put without debate.

Rule 11. Consideration in Committee

When a Bill is being considered in—

(a) Committee, Members shall not discuss the principles of the Bill, but only its details; or

(b) a Select Committee, Members shall consider the Bill in accordance with the terms of reference established for the consideration of the Bill upon the constitution of the Select Committee pursuant to Order 23.

Rule 12. Clause by clause consideration

The Bill if being considered in Committee or in a Select Committee shall be considered clause by clause (or, if the Chairperson find it convenient, by groups of clauses) and any Member may propose such amendments to the Bill as the Member may think fit, provided that the amendments, including new clauses and new schedules, are relevant to the subject matter of the Bill.

Rule 13. Motion after consideration

Upon the conclusion of the proceedings in Committee, the Bill shall stand Committed to the Full Council for Stage 3 and the Council shall resume and the Member in charge of the Bill may immediately (without notice) move either—

(a) a motion under Rule 17; or

(b) that further procedure on the Bill be adjourned until a specified date, or for a specified time, or sine die,

and if no such motion is moved, further procedure on the Bill stands adjourned (without question put) until Stage 3 is initiated by a motion of which due notice is given in accordance with Order 11.

Rule 14. Report of Committee

Upon the conclusion of the proceedings in Select Committee, the Bill shall be reported to the Council in the manner provided under Order 24 and thereafter recommitted to a Committee of the whole Council by the Member in charge of the Bill, without question put and shall be considered either forthwith or on a day to be appointed by the Member in charge of the Bill.

Rule 15. Presentation of report

Further to Rule 14 when a Bill has been reported from a Select Committee, the Council may proceed to consider the Bill as reported from the Select Committee upon a motion made by the Member in Charge of the Bill "That the report of the Select Committee on the .... Bill be adopted".

Rule 16. Procedure to Stage 3

If the motion made in accordance with Rule 15 is agreed to without amendment, the Bill may proceed to be considered at Stage 3.

Rule 17. Stage 3

Stage 3 is commenced by the Member in charge of the Bill reporting that the Bill has passed the Committee Stage, with or without amendment (as the case may be), and proposing "That this Council approves the (short title) Bill and recommends to the Governor that it should be enacted"; if the motion is seconded, the Member in charge of the Bill may give a brief exposition and comment on any amendments made at the Committee Stage; after which, there may be a debate.

Rule 18. Stage 3 debate

In Stage 3, debate shall be confined to the principles of the Bill; amendments for the correction of errors and oversights, or otherwise arising from amendments made at the Committee Stage, may be moved but no amendments of a material character may be proposed.

Rule 19. Preparation for assent

If the motion referred to in Rule 17 is passed, a printed copy of the Bill, certified by the Clerk to be a true copy of the Bill passed by the Council, shall be submitted by the Clerk to the Governor for the Governor's assent.

Rule 20. Withdrawal of Bills

The Member in charge of a Bill may make a motion, without notice, for its withdrawal at any stage in the consideration of the Bill.

ORDER 14 – Procedure on Appropriation Bill

Rule 1. Stage 1 procedure

The Estimates prepared in connection with any Appropriation Bill shall be presented at the same time as such Bill.

Rule 2. Financial or budget speech

On the motion for Stage 1 of the Bill, the Chief Minister or Minister responsible for Finance shall make the annual financial statement or budget speech.

Rule 3. Debate to be adjourned

After the Chief Minister or Minister responsible for Finance has made the budget speech and moved the motion for Stage 1 of the Bill, upon such motion being seconded, the debate shall stand adjourned (without question put) until the next sitting or such later day as the Chief Minister or Minister responsible for Finance may name.

Rule 4. Resumption after adjournment

Upon the resumption of the debate, debate on the Bill shall be confined to the financial and economic state of St Helena and the general principles of Government policy and administration as indicated in the Bill and the estimates.

Rule 5. Motion to Stage 2

If the motion be agreed to, the Bill shall stand committed to a Committee of the whole Council; and the Chief Minister or Minister responsible for Finance may immediately (without notice) move either—

(a) that the Council do resolve itself into a Committee to consider the detailed

provisions of the Bill; or

(b) that further procedure on the Bill be adjourned until a specified date, or for a specified time, or sine die; and

if no such motion is moved, further procedure on the Bill stands adjourned (without question put) until Stage 2 is initiated by a motion of which due notice is given in accordance with Order 11.

Rule 6. Stage 2 procedure

On consideration of an Appropriation Bill in the Committee, the following rules shall apply—

(a) the clauses of the Bill shall stand postponed until after consideration of the schedule or schedules;

(b) on consideration of the schedules each head of expenditure shall be considered with the appropriate estimates (including revenue estimates for which the Accounting Officer is the same as for the expenditure head under examination), and any reference in these Orders to a sub-head or an item means a sub-head or an item in the estimates for the head under discussion;

(c) an amendment to any head of expenditure to increase the sum allotted thereto, whether in respect of any item or sub-head or the head itself, may only be moved by a Member of the Executive Council who shall signify to the Committee the recommendation of the Governor in accordance with the proviso to Order 10 Rule 3(a);

(d) an amendment to increase a head shall take precedence over an amendment to reduce the head in the same respect, and if it is carried, no amendment to reduce the head in that respect shall be called;

(e) an amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member;

(f) an amendment to reduce a head in respect of any sub-head shall only be in order if the sub-head is not itemized;

(g) an amendment to reduce a head without reference to a sub-head shall only be in order if the head is not divided into sub-heads;

(h) an amendment to leave out a head shall not be in order;

(i) when all the heads in a schedule have been disposed of the Chairperson shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the Bill";

(j) when every schedule has been disposed of the Chairperson shall call successively each clause of the Bill and shall forthwith propose the question "That the clause stand part of the Bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate;

(k) no amendment to any clause may be moved except any amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a Member of the Executive Council only and the question thereon shall forthwith be put without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Chairperson shall forthwith put the question "That the clause as amended stand part of the Bill" and that question shall then be decided without amendment or debate.

Rule 7. Stage 3 procedure

On completion of Stage 2, further procedure on the Bill shall be as provided in Order 13 for other Bills, save that the question on the motion "That this Council approves the (short title) and recommends to the Governor that it should be enacted" need not be seconded and shall be decided without amendment or debate.

ORDER 15 – Rules of debate

Rule 1. Rules

In speaking to any proposition under consideration of the Council the following rules shall be observed—

(a) a Member desiring to speak shall so indicate in a manner approved by the Speaker;

(b) if two or more Members so indicate at the same time, the Speaker shall call on the Member who first catches the Speaker's eye;

(c) no Member shall be entitled to address the Council for more than thirty minutes; provided that the mover of an original motion shall be entitled to forty-five minutes for the Member's opening speech. The Speaker's ruling on the time taken by a Member shall be final;

Provided that this paragraph shall not apply to a member of the Executive Council when introducing an Appropriation Bill or a motion relating to the raising or expenditure of public money;

(d) a Member shall confine the Member's observations to the subject under discussion;

(e) reference shall not be made to any matter on which a judicial decision is pending in such a way as might in the Speaker's opinion prejudice the parties thereto;

(f) it shall be out of order to attempt to reconsider any specific question upon which the Council has come to a conclusion during the current session;

(g) no Member shall impute improper motives or dishonesty on the part of any Member, except so far as may be necessary in the context of a motion of no confidence in the person concerned;

(h) except in the cases described in Rule 2, or in paragraph *(i)*, or when the Council is in Committee, no Member shall speak more than once on any proposition before the Council;

(i) a Member who has spoken to a question may again be heard to offer explanation of some material part of the Member's speech which has been misunderstood; but the Member may not introduce a new matter;

(j) a Member who has spoken may speak when a new question has been proposed from the Chair, such as a proposed amendment or a motion for adjournment of the debate;

(k) the name of His Majesty shall not be used to influence the Council;

(l) the conduct of His Majesty, Members of the Royal Family, the Governor, Members of the Council and judges or other persons engaged in the administration' of justice shall not be raised except upon a substantive motion; and in any amendment, question or remarks in a debate on a motion dealing with

any other subject, any reference to the conduct of the persons aforesaid shall be out of order;

(m) it shall be out of order to use offensive or insulting language;

(n) subject to the following paragraphs when initially referring to a Member, a Member shall address another Member by using the Member's preferred forename and surname, preceded by the words "the Honourable";

(o) it is permissible for a Member to refer to the Chief Minister, Minister, or *ex officio* Member by the words "The Honourable" followed by the name of that office;

(p) except in Committee of the whole Council (when the person presiding shall be addressed and referred to as "Mr [or Madam] Chairperson", no Members shall address or refer to the person presiding except by whichever is appropriate of the following terms, namely: "Mr [or Madam] Speaker"; "Mr [or Madam] Deputy Speaker"; or "Mr [or Madam] Speaker".

Rule 2. Point of Order or Information

A Member may speak—

(a) to raise a point of Order, in accordance with Order 19, Rule 1; or

(b) on a point of information, in accordance with Order 19, Rule 3; or

(c) to second a motion or amendment, provided the Member does so by formally saying "I beg to second";

without prejudice to the Member's right to speak at a later period of the debate; or, in the case of paragraphs *(a)* and *(b)*, notwithstanding that the Member has already spoken in the debate.

Rule 3. No interruption

No Member shall, while another Member is speaking, speak or seek to be called to speak except for the purpose of raising a point of order or a point of information, in which case the Member shall say only the words "point of order" or "point of information" (as the case may be) and shall not speak further unless called upon to do so by the Speaker.

Rule 4. Motion for adjournment

On a motion for the adjournment of the Council, the question shall be put without amendment or debate if the period of the proposed adjournment is less than 5 clear days; if the adjournment is for a longer period (or *sine die*), there may be a debate during which Members may speak generally upon the public affairs of St Helena, but no Members shall speak for longer than 10 minutes.

ORDER 16 – Anticipation

Rule 1. Out of order

It shall be out of order to make a motion or move an amendment dealing with the subject matter of a motion or Bill already appointed for consideration, or if it deals with the subject matter of a motion of which a notice has been given.

Rule 2. Anticipation prohibited

A notice of motion, Bill or amendment of which notice has been given shall not be anticipated in any debate.

ORDER 17 –Termination of debate

Rule 1. Prohibition after question put by Speaker

No Member may speak to any question after the same has been fully put by the Speaker.

Rule 2. Ayes and Noes

A question is fully put when the Speaker has collected the voices both of the Ayes and the Noes.

ORDER 18 – Voting

Rule 1. Procedure

Except as otherwise expressly provided—

(a) all questions proposed for decision in the Council shall be determined by the majority of the votes of the Members present and voting; and

(b) if the votes of the Members are equally divided, the Speaker shall declare that the motion is lost in accordance with section 67(4) of the Constitution.

Rule 2. Division

At the conclusion of a debate the question shall be put by the Speaker and the votes may be taken by the voices "Aye" or "No" and the result shall be declared by the Speaker; but any Member may thereupon claim a division, in which case—

(a) the vote shall be taken by the Clerk separately asking each Elected Member how the Elected Member desires to vote and recording the votes accordingly;

(b) every Elected Member present shall, unless the Member expressly states that the Member abstains, record the Member's vote either "Aye" or the "No", audibly but without raising the Member's voice unduly; the Clerk shall enter in the Official Record each Member's vote and shall add a statement of the names of the Members who abstained;

(c) as soon as the Clerk has collected the votes, the Speaker shall state the numbers voting "Aye" and "No", and the number of abstentions, and shall declare the result of the division.

ORDER 19 – Points of order or information

Rule 1. Treatment of deviation from proceedings

Any Member deviating from the provisions of these Standing Orders may be immediately called to order by the Speaker or by a Member rising to a point of order in accordance with Order 15, Rule 3; a Member rising to a point of order shall simply direct attention to the point the Member desires to bring to notice and submit it to the Speaker for decision.

Rule 2. Speaker to decide

When the question of order has been stated, the Member who raises it shall resume the Member's seat and no other Member, except with the leave of the Speaker, shall rise until the Speaker has decided the question, after which the Member who was addressing the Council at the time the question was raised shall be entitled to proceed with the Member's speech giving effect to the ruling from the Speaker.

Rule 3. Statement of facts

Any Member may rise at any time to state any fact which is relevant to the matter under debate and of which the Member believes the Member then speaking to be unaware;

Provided that a Member so rising is confined to stating the fact in question, without argument or opinion.

Rule 4. Consequence of interference

Any Member who appears to the Speaker to be abusing the procedures provided by this Order, so as unreasonably to interfere with the freedom of speech of another Member is liable to be dealt with under Order 1 Rule 5.

ORDER 20 – Strangers

Rule 1. Presence of strangers

Strangers may be present at meetings of the Council in the place set apart for them but must withdraw when called upon to do so by the Speaker, either of the stranger's own motion or following a motion under Rule 2.

Rule 2. Motion to exclude strangers

Any Member may move a motion that strangers be excluded from the Council; such a motion shall be made on a point of Order and the question shall be put forthwith, without amendment or debate.

Rule 3. Motion may include public servants

A motion under Rule 2 may be expressed to apply to public servants (except the clerk and the *ex officio* Member) as well as to strangers.

Rule 4. Disruptive behaviour

If any Member of the public present during any sitting of the Council, or of the Committee of the Whole, shall behave in a manner disruptive of the proceedings of the Council or of the Committee of the Whole, or otherwise in a disorderly manner, the Speaker or Chairperson, as the case may be, may require that person to leave the Council Chamber or other place in which the Council or Committee is sitting and to remain absent therefrom, and the precincts thereof, until after the adjournment of the Council or Committee of the Whole, but where the Council is to sit again that day the Chairperson of the Committee may require the person to be absent until after the adjournment of the Council.

ORDER 21 – Suspension of Standing Orders

Rule 1. Motion for suspension

The Council may at any time suspend any of these Standing Orders, by motion made and carried under this Order.

Rule 2. Motion to include

A motion under Rule 1 may be proposed on a point of Order, shall specify the part of parts of these Orders which are to be suspended and the duration of the suspension; the mover must make a brief statement as to the purpose of the motion but otherwise the motion (if seconded) shall be decided without amendment or debate.

ORDER 22 – Infirmity or other exemption to procedure

Rule 1. General

A Member who by reason of illness or bodily infirmity cannot stand or has difficulty observing the procedural requirements of Order 23 may remain seated throughout the proceedings of the Council.

Rule 2. Speaker's discretion

If a Member is not ill or does not have a bodily infirmity, the Speaker may, if the Speaker is satisfied that there is a valid reason for the Member to be seated, permit a Member to remain seated throughout the proceedings of the Council.

ORDER 23 – General Provisions as to Behaviour in the Council Chamber

Rule 1. General

A member of the Legislative Council must—

(a) enter and leave the Chamber with decorum;

(b) bow to the presiding officer when entering or leaving the Chamber;

(c) stand in the member's place while the presiding officer is entering or leaving the Chamber, unless unable to do so, by reason of illness or infirmity;

(d) sit down and remain silent whenever the presiding officer is speaking.

Rule 2. Prohibitions

A member of the Legislative Council must not—

(a) cross the floor of the Chamber or cross between the member speaking and the presiding officer; or

(b) consume food or drink in the Chamber, except that a member may drink from a glass but the glass must not contain an alcoholic beverage;

Rule 3. Use of media devices

No person shall use any camera, including any television or video camera, or any device for recording sound, during the proceedings of the Council or of the Committee of the Whole Council, without the prior consent of the Speaker or Chairperson as the case may be.

ORDER 24 – Select Committee

Rule 1. Establishment

The Council may by resolution—

(a) establish a Select Committee to consider and report on a Bill or any other matter before the Council; and

(b) subject to Rule 2, agree the composition and terms of reference of a Select Committee.

Rule 2. Composition

A Select Committee shall—

(a) be comprised of at least 3 Members and the Clerk, who is the Secretary to the Select Committee and who cannot vote; and

(b) continue for the duration of the period specified upon the establishment of the Select Committee but such period may be reduced or extended by resolution of the Council and is subject to Order 18 (Voting).

Rule 3. Who may be appointed

Any Member may be appointed to be a Member of a Select Committee.

Rule 4. Chairperson

The Select Committee must elect one of the Members to be Chairperson of a Select Committee or if the Members do not make an election, the Speaker may nominate the Chairperson from among the Members.

Rule 5. Absence of Chairperson

If for any reason the Chairperson is absent, the Select Committee shall elect another of the Select Committee's Members at the meeting of the Select Committee to act as Chairperson.

Rule 6. Vacancies

If for any reason the seat of a Member of a Select Committee becomes vacant, the Council may elect another Member to fill the vacancy on that Select Committee.

Rule 7. Requests for attendance

Unless the Council otherwise directs a Select Committee has power to send for—

(a) persons to attend a meeting of the Select Committee to advise the Select Committee or provide information in respect of the Bill or matter being considered; or

(b) papers and records related to the Bill or matter being considered.

Rule 8. Delegation prohibited

A Select Committee does not have the authority to delegate any of the functions of the Select Committee.

Rule 9. Quorum

Unless the Council otherwise directs, three Members shall be the quorum and in ascertaining whether there is a quorum present, the Member in the Chair shall not be excluded.

Rule 10. Casting vote

Where there is an equality of votes, the Chairperson has a casting vote.

Rule 11. Sittings in private

Subject to Rule 9 or to any resolution of the Council the sittings of a Select Committee shall be held in private.

Rule 12. Confinement of deliberation

The deliberation of a Select Committee is confined to the matter referred to the Select Committee by the Council and any extension or limitation thereof made by the Council and, in the case of a Select Committee on a Bill, to the Bill committed to the Select Committee and relevant amendments.

Rule 13. Time and place appointment

The Speaker shall appoint the time and place at which the first meeting of the Select Committee is to be held.

Rule 14. If no Chairperson elected

If a Chairperson is not elected in accordance with Rule 13, the Speaker shall appoint a Chairperson.

Rule 15. Chairperson to appoint time and place

Subject to Rule 13, the Chairperson shall appoint the time and place for each meeting of the Select Committee.

Rule 16. Restrictions re sitting

A Select Committee—

(a) may sit at any time when the Council is adjourned; and

(b) may not sit while the Council is sitting.

Rule 17. Details of attendees

Where a Select Committee requires the attendance of a person at a meeting, the Chairperson shall provide directions to the Clerk in respect of the details of the person whose presence is required and the time and date at which the person's attendance is required.

Rule 18. Summoning of attendees

The Clerk shall in writing summon a person to attend a meeting of a Select Committee pursuant to information provided under Rule 17.

Rule 19. Verbatim recording

The information provided by a person attending a meeting of a Select Committee shall be recorded verbatim and shall be sent in proof to the person by the Clerk.

Rule 20. Corrections

Further to Rule 19 a person is at liberty, within 7 days from the date on which the proof was sent to suggest corrections due to inaccurate reporting and thereafter the information of the person shall be printed with such of the corrections as may be approved by the Chairperson.

Rule 21. Irrelevant information

A Select Committee may at the discretion of the Select Committee refuse to hear any irrelevant information or any recalcitrant person.

ORDER 25 – Report from Select Committee

Rule 1. Report to Council

Every Select Committee shall, before the end of the Session in which the Select Committee was appointed, make a report to the Council upon the matter referred to the Select Committee; but where a Select Committee is unable to conclude an investigation before the end of the Session, the Select Committee may so report to the Council.

Rule 2. Opinions and observations

A Report of a Select Committee may contain the opinions and observations of the Select Committee and may be accompanied by the Minutes of sittings of the Select Committee.

Rule 3. Special reports

A Select Committee may make a special report relating to the Select Committee's powers, functions and proceedings on any matters considered fit by the Select Committee to bring to the notice of the Council.

Rule 4. Draft report to be submitted

The Chairperson of a Select Committee shall prepare a draft report and submit the draft report for the consideration of the Select Committee; but alternative drafts may be submitted for consideration by any other Member of the Select Committee at the request of the Chairperson.

Rule 5. Adoption of report

The report finally to be adopted shall be such as is agreed to, with amendments (if any) by all the Members of the Select Committee or, failing unanimous agreement, then such as is agreed to by a majority of the Members.

Rule 6. Member may dissent

Any Member dissenting from the report of a majority of the Select Committee may put in a concise written statement of the Member's reasons for such dissent, and such statement shall be appended to the report; or, if the Member so desires the Member may submit a minority report.

Rule 7. Presentation of report and minutes

The report of a Select Committee together with a copy of the minutes of proceedings of a Select Committee and a copy of the minutes of any information given by a person who was requested to attend a sitting of the Select Committee shall be presented to the Council by the Chairperson of the Select Committee and shall be ordered to be laid on the Table without question put.

Rule 8. Minutes

The minutes of proceedings of a Select Committee shall record—

(a) the names of the Members present each day of the sitting of the Select Committee;

(b) the names of the persons whose attendance was requested by the Select Committee;

(c) in the event of a division taking place, the question proposed, the names of the proposer and the respective votes thereon of the Members present; and

(d) a copy of the draft report and any alternative draft, and any amendments thereto;

Rule 9. Record of motion

The Report of a Select Committee may be taken into consideration by the Council on a motion "That the Report of the Select Committee on . . . . be adopted" and such a motion must be submitted to the Clerk to be kept as a part of the records of the Council.

ORDER 26 – Public Accounts Committee

Rule 1. Supplementary to section 69

This Order makes provisions supplementary to those in section 69 of the Constitution.

Rule 2. Functions

The functions of the Committee are—

(a) to consider, and to report thereon to the Council as often as, in the opinion of the Committee, it is in the public interest to do so, but not less than once in every year—

(i) published annual accounts of the Government and such other accounts as are from time required under any rule of law to be laid before the Legislative Council;

(ii) management letters issued by the Chief Auditor on the accounts of the Government, and such other management letters issued by the Chief Auditor as are required to be laid before the Legislative Council on other accounts;

(iii) any summary reports issued by the Chief Auditor for the Committee in relation to any examination by the Chief Auditor relating to the economy, efficiency and effectiveness of any Government department or public body; and

(iv) any other matter of importance or urgency which, in the opinion of the Chief Auditor, is required to be brought to its attention; and

(b) to request that the Chief Auditor, or any other suitable person or review body, conducts specific examinations relating to any element of the economy, efficiency and effectiveness of any Government department or public body.

Rule 3. Referral to Committee

Every management letter, account or report of a type mentioned in Rule 2 shall be deemed to have been referred to the Committee as soon as it is ordered to lie upon the Table.

Rule 4. Regulation of procedure

The Committee may regulate its own procedure but shall do so generally in accordance (so far as applicable to the work of the Committee) with the procedure adopted in a Committee of the Whole Council.

Rule 5. Informal business

For the avoidance of doubt, it is declared that the Governor's consultation with Elected Members as to the appointment or removal of those Members of the Committee who are not Elected Members is not formal business of the Council and should be conducted informally.

Rule 6. Meetings

The Committee shall meet at such places, dates, and times as the Chairperson shall appoint, and the meetings shall be open to the public;

PROVIDED THAT the Committee may meet ***in camera*** if the nature of any item of business is, in the opinion of the Chairperson, more suitable to be dealt with in private.

Rule 7. Reports

The reports of the Committee shall be presented as Papers and may be so presented by any of the Elected Members who are members of the Committee.

ORDER 27 – Confirmation of Panel (of Investigators)

Rule 1. Interpretation

In this Order **"Panel"** means the list containing the names of persons comprising the Panel of Investigators constituted for the purpose specified in the Code of Conduct.

Rule 2. Consideration of list

The list of names to be considered for the composition of the Panel shall be—

(a) prepared by the Clerk under the supervision of the Speaker and Deputy Speaker

after consultation by the Speaker and Deputy Speaker with the Elected Members; and

(b) approved by a simple majority vote of the Speaker, Deputy Speaker and Elected Members in respect of each name presented for consideration.

Rule 3. Consultation

The consultation specified in Rule 2 shall be—

(a) conducted informally at a venue and time agreed by both the Speaker and Deputy Speaker; and

(b) held for the purpose of considering the names of the persons for confirmation.

Rule 4. Voting

At the consultation specified in Rule 2, the Speaker, Deputy Speaker, and each Elected Member is entitled to vote in respect of the approval of the list of names to be confirmed for the composition of the Panel and a person required to be in attendance at the consultation may attend the consultation virtually in accordance with the manner specified in Order 1, Rule 3.7 and 3.8.

Rule 5. Eligibility

The name of a person must not be considered for confirmation unless such person is non-partisan and has the knowledge, investigative skills, experience, personal qualities and standing within the community suitable to perform the role of a member of the Panel and has within the time specified submitted a full vetting certificate from the St Helena police service and a resume prepared in respect of such person.

Rule 6. Clerk's responsibilities

The Clerk on the instruction of the Speaker shall—

(a) in the manner and form specified by the Speaker make available in the public domain, the time and place at which the requirements specified in Rule 4 must be produced;

(b) keep a record of the attendance and the decisions made at the consultation specified in Rule 2.

Rule 7. List to be laid on the Table

The list of names shall be laid upon the Table at the next sitting which must not be held less than 10 clear days after the date on which the consultation between the Speaker, the Deputy Speaker and the Elected Members occurs.

Rule 8. Confirmation

Upon the order being made that the list of names be confirmed for the composition of the Panel and that the Panel as comprised do lie upon the table, unless any Member immediately moves (on a Point of Order) that the list be amended, the Speaker shall forthwith put the question "That the Panel of Investigators be confirmed" and such question shall be voted upon without amendment or debate.

Made by the Council this day of 2022.

Speaker