



St. Helena

**WORKING DRAFT – July 2021**  
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**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      day of      2010.

Gina M Benjamin

Clerk of Councils

ST. HELENA LEGISLATIVE COUNCIL

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STANDING ORDERS

CONTENTS

**Order 1 - Preliminary**

Rule	1	Commencement etc
	2	Interpretation
	3	Meetings, Order Paper, Allocation of Seats; Suspension of Sitting
	4	Presiding in Council
	5	Responsibility for Order
	6	President's Power to enforce Order

**Order 2 – Record of Proceedings**

**Order 3 – Quorum**

**Order 4 – Order of Business**

**Order 5 – Elections**

**Order 6 – Petitions**

**Order 7 – Papers**

**Order 8 – Questions**

Rule	1	By whom Questions may be asked, and of whom.
	2	Rules for Questions
	3	Questions to be in writing, and on approved form
	4	Records to be kept
	5	Questions to be sent to Chief Secretary; written answers
	6	Limit on number of questions
	7	Oral answers, and Supplementary questions

**Order 9 – Matters for Debate**

Rule	1	Who may present Bills, Motions, Petitions and Papers
	2	Restriction on renewal of matters determined
	3	Governor's consent to certain bills and motions
	4	Governor may submit a Bill or Motion

**Order 10 – Notice of Motions**

Rule	1	General requirement for notice, and exceptions
	2	Notice may be dispensed with
	3	Manner of giving notice
	4	Clerk's duties on receiving notice
	5	Speaker may amend notice

### **Order 11 – Motions and Amendments**

- |      |   |                                       |
|------|---|---------------------------------------|
| Rule | 1 | Manner of moving and debating motions |
|      | 2 | Amendment may be proposed             |
|      | 3 | Effect of amendment                   |
|      | 4 | Withdrawal of motion                  |
|      | 5 | Debating amendments                   |
|      | 6 | Motion not moved                      |
|      | 7 | Motion moved but not seconded         |

### **Order 12 – Bills**

- |      |   |                                 |
|------|---|---------------------------------|
| Rule | 1 | Presentation of Bills           |
|      | 2 | Copies to be sent to Members    |
|      | 3 | Application of Orders 10 and 11 |
|      | 4 | Stages of Bills                 |
|      | 5 | Stage 1                         |
|      | 6 | Stage 2                         |
|      | 7 | Stage 3                         |
|      | 8 | Withdrawal of Bills             |

### **Order 13 – Appropriation Bills**

- |      |   |                   |
|------|---|-------------------|
| Rule | 1 | Stage 1 procedure |
|      | 2 | Stage 2 procedure |
|      | 3 | Stage 3 procedure |

### **Order 14 – Rules of Debate**

### **Order 15 – Anticipation**

### **Order 16 – Termination of Debate**

### **Order 17 – Voting**

### **Order 18 – Points of Order and Information**

### **Order 19 – Strangers**

### **Order 20 – Suspension of Standing Orders**

### **Order 21 – Infirm Members**

### **Order 22 – General Provisions about Behaviour in the Chamber**

### **Order 23 – Public Accounts Committee**

## ORDER 1 - Preliminary

### 1. Commencement and Transitional Arrangements

1.1 These Orders take effect immediately upon being approved by resolution of the Council, and supersede all previous Standing Orders.

1.2 In case of any doubt or ambiguity as to the procedure to be adopted during the transition from the previous Orders and these Orders, the procedure shall be such as the President may direct.

### 2. Interpretation

2.1. Words and expressions which are defined in the Constitution\* have the same meanings when used in these Orders.

2.2. 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;

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

"**Clerk**" means the Clerk of Councils;

"**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;

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

"**Member**" means a Member of the Council (including, for the avoidance of doubt, the Speaker, the Deputy Speaker, and the *ex officio* Member mentioned 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;

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

"**President**" means the person lawfully presiding at a sitting of the Council in accordance with the provisions of the Constitution; and, when the Council is in Committee of the whole Council, includes the Chairman;

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

"**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';

"**Speaker**" means the Speaker elected under section 55 of the Constitution and includes—

(a) the Deputy Speaker and the Clerk of Councils 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;

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\* The two principal definitions are reproduced in the Appendix to these Orders.

and—

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

2.3. In interpreting references to "clear days", all Saturdays, Sundays, Public and Government Holidays, shall be left out of account.

### 3. *Meetings, Order Paper, and allocation of seats*

3.1. The meetings of the Council shall commence as provided for in section 61 of the Constitution.

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

3.3. The President may at any time, for the convenience of Members, suspend a sitting for a stated period.

3.4. The President shall allocate a seat for each Member of the Council.

3.5. 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.

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

### 4. *Presiding in Council*

4.1. The person presiding at a sitting of the Council shall act as the Chairman of a Committee of the whole Council.

4.2. The President shall have power to regulate the conduct of business in all matters not provided for in these Orders.

### 5. *Responsibility for Order*

5.1. The President shall be responsible for the observance of the rules of Order in the Council and his or her decision on any point of order shall be final.

5.2. Whenever the President 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 President may be heard without interruption.

5.3. During a sitting Members shall enter or leave the Council Chamber with decorum.

5.4. Members shall not—

- (a) read books, newspapers, letters or other papers in their place, except such books and papers as may be connected with the business under debate;
- (b) have with him or her in the Chamber any mobile telephone or other electronic device unless the telephone or device is switched off, or in such mode that it will not emit any sound or otherwise cause any disturbance to the proceedings of the Legislative Council; or
- (c) use any mobile telephone or other electronic device in such a way as to impair decorum or otherwise cause any disturbance to the proceedings of the

Legislative Council;

- (d) use any device in order to access the Internet whilst formal meetings of the Legislative Council are in progress.

5.5. Members shall not make unseemly interruptions while any Member is speaking.

6. *President's powers to enforce Order*

6.1. If a Member shows disregard for the authority of the Chair, or abuses the rules of the Council by persistently and wilfully obstructing the business of the Council, or otherwise, the President shall direct the attention of the Council to the incident, mentioning by name the Member concerned. A motion may then be made upon which the President shall forthwith put the question, no amendment, or adjournment, or debate being allowed, "That such Member be suspended from the service of the Council". If such an offence has been committed in a Committee of the Whole Council, the Chairman shall forthwith suspend the proceedings of the Committee and resume in Council; and the President shall, on a motion being made thereupon, put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the Council itself.

6.2. If a Member be suspended under the provisions of this Order, the Member's suspension shall last until determined by the Council.

6.3. The President, 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 his or her speech.

6.4. The President may order a Member whose conduct is grossly disorderly, to withdraw immediately from the Council Chamber for the remainder of the sitting.

6.5. If a direction to withdraw under Rule 6.4 be not complied with at once, or if on any occasion the President deems that his or her powers under that Rule are inadequate the President may name such Member or Members in pursuance of Rule 6.1.

6.6. A Member who is suspended under Rule 6.1, or is directed to withdraw under Rule 6.4, shall withdraw forthwith from the precincts of the Council Chamber.

6.7. The President or Chairman acting under Rule 6.1 or 6.4 of this Order, may direct such steps to be taken as are required to enforce his or her order.

6.8. In the case of grave disorder arising in the Council or Committee, the President or Chairman, as the case may be, may, if he or she 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 him

**ORDER 2 – Record of Proceedings**

1. 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.

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

3. The draft Record as corrected, if at all, shall be laid upon the Table at the next sitting which commences at least 10 clear days after it was 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 President 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 President.

4. The Clerk shall be responsible for the custody of the votes, records, bills, and other documents laid before the Council, which shall be open to inspection at any reasonable time by any person.

### **ORDER 3 - Quorum**

1. A quorum consists of seven Elected Members (including any Member presiding), as provided in section 64 of the Constitution. If any Member draws the attention of the President 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 President shall suspend the sitting for 10 minutes.

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

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

- (a) if a quorum is not present, the President shall proceed as provided in Rule 2;
- (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**

1. Unless the President otherwise directs the business of each sitting shall be transacted in the following order:-

- (a) Formal entry of the President.
- (b) Prayers.
- (c) Administration of Oaths or Affirmations to new Members.
- (d) Elections, in the following order:
  - 1. Speaker
  - 2. Deputy Speaker
  - 3.



4. Election of the Chief Minister
5. Members of Public Accounts Committee

- (e) Messages from Her Majesty the Queen.
- (f) Messages from, or address by, the Governor.
- (g) Address by the President.
- (h) Obituary speeches.
- (i) Petitions.
- (j) Papers.
- (k) Questions.
- (l) Government business.
- (m) Private Members' business;

and messages from Her Majesty or from the Governor shall be read by the President.

2. Members who do not wish to take part in Prayers under Rule 1(b) may be excused from attending that part of the sitting.

2.

#### **ORDER 5 - Elections**

1. This Order applies to the election of the Speaker, the Deputy Speaker, Chief Minister, and Members of the Public Account Committee.

2. After the Clerk has announced an item of business which comprises an election, the President shall call for nominations.

3. 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.

4. On each proposal being made, the President shall call for a seconder to the proposal, and (subject to Rule 3) any Elected Member may second the proposal; but if the proposal is not seconded, no further proceeding shall be taken upon the proposal.

5. On each proposal being seconded, the President shall (unless the person proposed has previously notified the Clerk in writing that he or she will accept nomination) call upon the candidate to state whether or not he or she will accept the nomination; and, if the candidate declines to accept nomination, no further proceeding shall be taken upon the proposal

PROVIDED THAT, for the avoidance of doubt, "in writing" in this Rule includes a fax or electronic mail, or an attachment to an electronic message.

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

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

8. If there are no candidates duly proposed for election, the President shall declare that the Council has failed to elect a Speaker, Deputy Speaker, Chief Minister, or Member of the Public Accounts Committee, as the case may be.

9. If the number of candidates duly proposed for election does not exceed the number of vacancies to be filled, the President 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 President shall declare that the Council has failed to elect a Speaker, Deputy Speaker, Chief Minister or Member of the Public Accounts Committee, as the case may be.

10. 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 President 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 he or she wishes to vote, then fold the ballot paper so that his or her 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 than 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.

11. In the case of an election of the Speaker, the Deputy Speaker, or the Chief Minister, the candidate who receives the votes of a majority of all the Elected Members shall stand duly elected, and the President shall declare such candidate to have been duly elected to be the Speaker, the Deputy Speaker, or the Chief Minister, 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 President 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 President shall declare that the Council has failed to elect a Speaker, Deputy Speaker, or Chief Minister, as the case may be

12. 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**

1. A petition may be presented to the Council only by a Member.
2. Every petition shall be signed at the beginning thereof by the Member in charge of it and shall be deposited (at least 48 hours 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 "passed by the Speaker".
3. The Council shall not receive any petition which:—
  - (a) is not addressed to the Council;
  - (b) is not properly or respectfully worded;
  - (c) has not at least one signature and the address of the person signing on the sheet on which the prayer of the petition appears and which has not 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.
4. 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.
5. 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 Council Committee; any such motion shall be decided forthwith without amendment or debate.

#### **ORDER 7 – Sessional Papers**

1. A Member who wishes to present a sessional 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;
2. A Member presenting a sessional 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 10).

#### **ORDER 8 - Questions**

1. Subject to the provisions of this Order, any Elected Member may put questions to:—
  - (a) the Chief Minister or a Minister, relating to public affairs within his or her portfolio;  
or
  - (b) the *ex officio* Member, concerning matters of government business for which that Member is officially responsible;

Provided that questions concerning matters of Government business for which neither a Minister nor the *ex officio* Member is responsible, shall be answered by such Member of the Executive Council as the Chief Minister may direct.

2. 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 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.

3. 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 prior to a meeting of the Legislative Council. However, any question not submitted 10 clear days before the date of a formal meeting of the Council will be deferred until the next formal meeting. On receipt of a question, the Clerk, shall forthwith refer the question to the Speaker for his or her decision whether the question does or does not comply with Rule 2. If the Speaker rejects the question, the Clerk shall inform the Member who lodged the question and no further action may be taken thereon. The Clerk shall, as soon as is practicable after the Speaker has made a decision thereon, send to the Chief Minister a copy of every question which is not rejected by the Speaker.

4. The Clerk shall keep a record of the questions lodged by each Member and which are not rejected under Rule 3; 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.

5. 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 has not been 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.

6. Each Member may ask no more than three questions for oral answer at each sitting; 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 4.

7. 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 - Matters for debate**

1. 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.

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

3. 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 the Chief Minister ; and (b) shall be recorded in the Official Record of the Council.

4. 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 10 - Notice of motions**

1. 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 President;
- (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 the Finance portfolio in the financial statement or budget speech.

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

3. 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 wishes 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.

4. 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 him 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.

5. 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 11 - Motions and amendments**

1. A motion shall be moved by its mover reading it 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.

2. 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.

3. 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..

4. 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.

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

6. If a Member does not move a motion or amendment which stands in the Member's name when he or she is called on, it shall be removed from the Order Paper, unless some other Member duly authorised by that Member in writing moves it in his or her stead:

Provided that Government business may be moved by any Minister

7. 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 12 - Bills**

1. 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.

2. 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.

3. Subject to the following provisions of this Order, Orders 10 and 11 apply to all motions in connection with Bills.

4. 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.

5. (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 he or she shall state its long title.

(2) On the motion mentioned in Rule 5(1), debate shall be confined to the broad principles of the Bill.

(3) 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.

(4) If the motion be agreed to, the bill shall stand committed to a committee of the whole Council; and the Member in charge of the Bill may immediately (without notice) move either:

- (a) a motion under Rule 6(1); 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 10.

6. (1) Stage 2 is commenced by the Member in charge of the bill proposing "That this Council do resolve itself into a Committee to consider the detailed provisions of the (short title)"; if seconded, the question on the motion shall be put without debate.

(2) When a bill is being considered in Committee, Members shall not discuss the principles of the bill, but only its details.

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

(4) 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 7(1); 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 10.

7. (1) Stage 3 is commenced by the Member in charge of the bill reporting that the Bill has passed Committee, 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 in Committee; after which, there may be a debate.

(2) 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 in Committee, may be moved but no amendments of a material character may be proposed.

(3) If the motion referred to in Rule 7(1) 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 his or her assent.

8. 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 13 - Procedure on Appropriation Bill**

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

(2) On the motion for Stage 1 of the bill, the Chief Minister or Minister responsible for



the Finance portfolio shall make the annual financial statement or budget speech.

(3) After the Chief Minister or Minister responsible for the Finance portfolio 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 the Finance portfolio may name.

(4) 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.

(5) 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 the Finance portfolio 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 10.

2. 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 Chief Minister or the Minister responsible for the Finance portfolio who shall signify to the Committee the recommendation of the Governor in accordance with the proviso to Order 9 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 Chairman 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 Chairman 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 the Chief Minister or Minister responsible for the Finance portfolio 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 Chairman 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.

3. On completion of Stage 2, further procedure on the Bill shall be as provided in Order 12 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 14 - Rules of debate**

1. 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 President;
- (b) if two or more Members so indicate at the same time, the President shall call on the Member who first catches the President'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 his or her opening speech. The President'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 his or her 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 President'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 his or her 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 Her Majesty shall not be used to influence the Council;

- (l) the conduct of Her 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 about Members of the Council;
- (n) it shall be out of order to use expressions which are blasphemous or insulting to the religious beliefs of other Members;
- (o) subject to the following paragraphs, no Member shall refer to any other Member except by his or her preferred forename and surname, preceded by the words "the Honourable";
- (p) it is permissible for a Member to refer to the *ex officio* Member by the words "The Honourable Attorney General";
- (q) except in Committee of the whole Council (when the person presiding shall be addressed and referred to as "Mr [or Madam] Chairman", 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] President".

2. A Member may speak:

- (a) to raise a point of Order, in accordance with Order 18, Rule 1; or
- (b) on a point of information, in accordance with Order 18, Rule 3; or
- (c) to second a motion or amendment, provided he or she 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 he or she has already spoken in the debate.

3. 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 he or she 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 President.

4. 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 15 - Anticipation**

1. 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.

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

### **ORDER 16 -Termination of debate**

1. No Member may speak to any question after the same has been fully put by the President.
2. A question is fully put when the President has collected the voices both of the Ayes and the Noes.

### **ORDER 17 - Voting**

1. 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 President shall declare that the motion is lost in accordance with section 67(4) of the Constitution.
2. At the conclusion of a debate the question shall be put by the President and the votes may be taken by the voices "Aye" or "No" and the result shall be declared by the President; 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 he or she desires to vote and recording the votes accordingly;
  - (b) every Elected Member present shall, unless the Member expressly states that he or she abstains, record his or her vote either "Aye" or the "No", audibly but without raising his or her 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 President shall state the numbers voting "Aye" and "No", and the number of abstentions, and shall declare the result of the division.

### **ORDER 18 - Points of order or information**

1. Any Member deviating from the provisions of these Standing Orders may be immediately called to order by the President or by a Member rising to a point of order in accordance with Order 14, 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 President for decision.
2. When the question of order has been stated, the Member who raises it shall resume his or her seat and no other Member, except with the leave of the President, shall rise until the President 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 his or her speech giving effect to the ruling from the Chair.
3. Any Member may rise at any time to state any fact which is relevant to the matter under debate and of which he or she believes the Member then speaking to be unaware;  
Provided that a Member so rising shall confine himself to stating the fact in question, without argument or opinion.
4. Any Member who appears to the President to be abusing the procedures provided by this Order, so as unreasonably to interfere with the freedom of speech of another Member shall be liable to be dealt with under Order 1 Rule 5.

## **ORDER 19 - Strangers**

1. 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 President, either of his or her own motion or following a motion under Rule 2.

2. 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.

3. 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.

4. If any Member of the public present during any sitting of the Council, or of the Committee of the Whole, shall behave himself in a manner disruptive of the proceedings of the Council or of the Committee of the Whole, or otherwise in a disorderly manner, the President or Chairman, 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 Chairman of the Committee may require that person to absent himself until after the adjournment of the Council

## **ORDER 20 - Suspension of Standing Orders**

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

2. 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 may 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 21 – Infirm Members**

Notwithstanding any other provision of these Orders, a Member may remain seated throughout the proceedings of the Council if, by reason of illness or bodily infirmity, he or she has been specially permitted by the President to do so

## **ORDER 22 – General Provisions as to Behaviour in the Council Chamber**

1. 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 his or her place while the presiding officer is entering or leaving the Chamber, unless unable to do so, by reason of illness or infirmity; or
  - (d) sit down and remain silent whenever the presiding officer is speaking.

2. 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;
  - (b) consume food or drink in the Chamber, except that a member may drink from a glass of water;
  - (c) read any book, newspaper, periodical, or other document or access any device in the Chamber unless its content is directly relevant to the business of the Legislative Council;
  - (d) converse noisily or otherwise act in a way which, in the opinion of the presiding officer, disturbs the proceedings of the Legislative Council;
  - (e) have with him or her in the Chamber any mobile telephone or other electronic device unless the telephone or device is –
    - (i) switched off, or
    - (ii) in such mode that it will not emit any sound or otherwise cause any disturbance to the proceedings of the Legislative Council; or
  - (f) use any mobile telephone or other electronic device in such a way as to impair decorum or otherwise cause any disturbance to the proceedings of the Legislative Council;
  - (g) use any device in order to access the Internet whilst formal meetings of the Legislative Council are in progress

3 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 President.

2. No person shall eat or drink in the Council Chamber during such time as the Council or a Committee of the Whole Council is sitting, except as may be allowed by the Speaker in exceptional circumstances

### **ORDER 23 – Public Accounts Committee**

1. This Order makes provisions supplementary to those in section 69 of the Constitution.
2. 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; and
    - (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; and
    - (iii) any summary reports issued by the Chief Auditor for the Committee in relation to any examination by him 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.
3. 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.

4. 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.

5. 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.

6. The Committee shall meet at such places, dates and times as the Chairman 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 Chairman, more suitable to be dealt with in private.

7. 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.

Made by the Council this.

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Speaker

## Appendix

### Definitions reproduced from the Constitution and the Overseas Territory (Constitutional Modifications) Order 2020.

“meeting”, in relation to the Legislative Council, means the sitting or sittings of the Council commencing when the Council first meets at a time and place determined or appointed under section 61 and terminating when the Council is adjourned *sine die* or to a time and place so determined or appointed for a subsequent meeting, or is dissolved.

“sitting”, in relation to the Legislative Council, means a period during which the Council is sitting continuously without adjournment and includes any period during which the Council is in committee of the whole, and “sitting day” shall be construed accordingly.

“virtual meeting” means a meeting of a legislative body in which some or all members are not physically present together but are in communication with one another by electronic means, and in which all the Members (present and participating) are able to communicate with one another, to hear and be heard, and to have had access to all of the documents considered at the meeting; and it shall be for the Members to agree that the means of communication in use are sufficient for the meeting to proceed.)