



THE GIBRALTAR PARLIAMENT



STANDING RULES & ORDERS

GIBRALTAR PARLIAMENT
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GIBRALTAR PARLIAMENT
STANDING RULES AND ORDERS

In exercise of the powers conferred on it by section 39 of the Constitution the Gibraltar Parliament has made the following standing rules and orders-

PART 1 – GENERAL

Meetings.

1.(1) The meetings of the Parliament shall be held at such place and begin at such time as the Chief Minister may from time to time by notice published in the Gazette notify.

(2) Except in cases of emergency the notice shall be published at least seven days, exclusive of Saturdays, Sundays and public holidays, before the day appointed for the session or meeting, as the case may be.

Summons to the Gibraltar Parliament.

2.(1) Members of the Parliament shall ordinarily be summoned to meetings thereof by written notice sent at least seven days, exclusive of Saturdays Sundays and public holidays, before the meeting by the Clerk.

(2) The notice paper of the meeting of the Parliament shall include all business to be transacted according to notice given, including business remaining over from the previous meeting. Unless otherwise resolved, the business shall be taken in the order printed.

Language.

3. The proceedings and debates of the Parliament shall be in the English language.

Presiding in the Gibraltar Parliament.

4. There shall preside at the Parliament

(a) the Speaker;

(b) in the absence of the Speaker, such Member of the Parliament as the Parliament may elect for the sitting.

Quorum.

5.(1) The quorum of the Parliament and of a Committee of the whole Parliament shall consist of such number of persons as equates to thirty percent of the

number of Elected Members comprising the Parliament (rounded up to the nearest full number) besides the Speaker or Chairman.

(2) If any Member draws the attention of the Speaker in the Parliament or of the Chairman in Committee of the whole Parliament to the fact that a quorum is not present, strangers shall be directed to withdraw and Members shall be summoned as if for a division.

(3) When the order to strangers to withdraw has been given in the Parliament, the Speaker shall, after the expiration of two minutes, count the Members. If a quorum is not then present, he shall adjourn the Parliament without question put.

(4) When the order to strangers to withdraw has been given in Committee of the whole Parliament the Chairman shall, after the expiration of two minutes, count the Members. If he ascertains that a quorum is not present, he shall leave the Chair, the Parliament shall be resumed and the Speaker shall count the Members. If a quorum is then present, the Parliament shall again resolve itself into Committee; but if a quorum is not present, the Speaker shall adjourn the Parliament without question put.

(5) 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 division shall be invalid, the business then under consideration shall stand over until the next sitting and the next business shall be entered upon.

Duties of the Clerk.

6.(1) The Clerk shall keep the minutes of the proceedings of the Parliament and of Committees of the whole Parliament, and shall circulate a copy of such Minutes as soon as practicable after the meeting of the Parliament.

(2) Minutes shall record the names of Members attending, all decisions of the Parliament and shall be signed by the Speaker.

(3) In the case of divisions of the Parliament or Committee of the whole Parliament, the Minutes shall include the numbers voting for and against the question, and the names of Members so voting.

(4) The Clerk shall be responsible for the custody of the votes, records, bills, and other documents laid before the Parliament which shall be open to inspection by Members of the Parliament and other persons under such arrangements as may be sanctioned by the Speaker.

PART II – ORDER OF BUSINESS

Order of business.

7.(1) The business of the Parliament shall be transacted in the following order:-

(i) Oath of Allegiance of new Members;

- (ii) Confirmation of minutes;
- (iii) Communications from the Chair;
- (iv) Petitions;
- (v) Announcements;
- (vi) Papers to be laid;
- (vii) Reports of Committees;
- (viii) Answers to Questions;
- (ix) Notice of Motions for Adjournment under Standing Order 24A;
- (x) Public business to be dealt with as follows:
 - (a) Government business;
 - (b) Private Members' Motions; and
 - (c) Private Members' Bills.

(2) Private Members' Motions and Bills shall be set down in the order in which notice of each motion or Bill was given.

(3) Notwithstanding any of the other provisions of the Standing Orders, the Parliament may by specific vote determine to proceed to any particular business out of the regular order and a motion for such a vote may be made without notice and shall take precedence of all other business.

PART III – PETITIONS

Presentation of petitions.

8.(1) A petition may be presented to the Parliament by any Member.

(2) A petition shall not be presented to the Parliament unless it shall have been endorsed by the Clerk as being in accordance with the rules then in force in regard to Petitions.

(3) The Parliament shall not receive any petition –

- (a) which is not addressed to the Parliament and which is not properly and respectfully worded;

- (b) which has not at least one signature on the sheet which the prayer of the petition appears and which has not at least the prayer at the head of each subsequent sheet of signature;
- (c) which asks for a grant of public money or the release of a debt to public funds unless the recommendation of the Minister of Finance thereto has been signified; or
- (d) which does not conform with such rules as may from time to time be prescribed.

Motion that petition be read.

9. Any Member may move that such petition be read and, in making such motion, must confine himself to a brief statement of the persons from whom the petition comes, of the number of signatures attached thereto, and of the material allegations contained therein, and of the purport of the prayer of the petition. If such motion is carried the Clerk shall read the petition.

No debate on petition.

10. On the presentation of a petition no debate thereon or relating thereto shall be allowed, but it shall be laid upon the Table of the Parliament, or on a motion duly made and carried, shall be referred to a special committee. Such motion shall specify the number of members who shall form a quorum of the committee.

Hearing of parties whose rights are affected.

11. When any petition is referred to a special committee, all persons whose individual rights or interests are peculiarly affected by any proposed action or Act to which the petition relates may be heard by the Committee, either in person or at the discretion of the committee by counsel.

PART IV – PAPERS

Papers.

12.(1) Subject to (3) below all papers shall be presented to the Parliament by a Minister and their presentation shall be entered upon the Minutes.

(2) A Minister presenting a paper may make a short explanatory statement of its contents.

(3) The Principal Auditor and the Ombudsman may present their Annual Reports to the Parliament through the Clerk.

(4) All papers shall be ordered to lie upon the Table without question put and any motion for the printing thereof shall be determined without amendment or debate.

PART V – QUESTIONS

Notice of questions.

13.(1) A question shall not be asked without notice, unless the Speaker is of the opinion that it is of an urgent character and relates either to a matter of public importance or to the arrangement of public business and the Member has obtained the permission of the Speaker to ask it.

(2) Notice of questions shall be given by delivering a copy in writing to the Clerk at least five days, exclusive of Saturdays, Sundays and public holidays, before the day on which it is intended to ask the question.

Manner of asking questions.

14. When the time for asking questions shall have arrived the Clerk shall call on the Member in whose name a question appears in the Order Paper.

Matters to which questions must relate.

15. Any question addressed to the Chief Minister, or a Minister shall relate to the public affairs with which he is officially connected or to a matter of administration for which the Government is responsible.

Answers.

16.(1) A question shall be answered by laying a written answer on the Table of the Parliament unless the Member asking the question shall in the notice of the question state that he requires an oral answer. When the Member has so stated, an oral answer shall be given.

(2) If any question remains unanswered when the Parliament adjourns on the last day of a meeting a written answer shall be sent to the Member who put the question:

Provided that where the question has been set down for oral answer the Member who put the question may within three days, exclusive of Saturdays, Sundays and public holidays, next after the adjournment of the Parliament require in writing that the question be postponed to a day at the next meeting of the Parliament.

(3) Where a request for postponement of the question is made, a written answer shall not be sent as provided in the previous paragraph but such question shall be set down for oral answer at the next meeting of the Parliament.

(4) All replies given shall be recorded in the Minutes of the Parliament.

(5)(i) A Member may put a supplementary question or questions for the purpose of further elucidating any matter of fact arising out of an oral answer given provided that the Speaker shall disallow any supplementary question if, in his opinion, it infringes any of these Orders relating to the admissibility of questions and

in that case the supplementary question shall not appear in the Minutes of the Parliament or in any report of its proceedings.

(ii) A supplementary question must not introduce matter not included in the original question.

(6) A question must not be made a pretext for a debate.

Rules governing right to ask questions.

17.(1) The right to ask questions shall be governed by the following rules, as to the interpretation of which the Speaker shall be the sole judge-

- (i) not more than one subject shall be referred to in any one question and a question shall not be of excessive length;
- (ii) a question must not publish any name or statement not strictly necessary to make the question intelligible;
- (iii) if a question contains a statement, the Member asking it shall make himself responsible for the accuracy of the statement;
- (iv) a question shall not contain any argument, inference, imputation, epithet, or ironical expression;
- (v) a question shall not refer to any debate that has occurred or answer that has been given within the preceding six months;
- (vi) a question shall not be asked about proceedings in a Committee which have not been reported on to the Parliament;
- (vii) a question shall not ask for an expression of opinion, or for the solution of an abstract legal question or of a hypothetical proposition;
- (viii) a question shall not be asked as to the character or conduct of any persons except in his official or public capacity;
- (ix) a question reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion may not be asked;
- (x) a question making or implying a charge of personal character shall be disallowed;
- (xi) a question fully answered shall not be asked again during the same meeting;
- (xii) a question shall not seek information about any matter which is of its nature secret;

- (xiii) a question shall not reflect on the decision of a court of law or to be so drafted as to be likely to prejudice a case under trial;
- (xiv) a question shall not be asked as to whether statements in the Press or of private individuals or unofficial bodies are accurate;
- (xv) a question shall not be asked seeking for information set forth in accessible documents or ordinary works of reference.

(2) If the Speaker is of opinion that any question of which a Member has given notice to the Clerk or which a Member has sought leave to ask without notice, infringes any of the paragraphs of this Order or is in any other respect inadmissible as not complying with the rules of the Parliament or as constituting an abuse of the right of questioning, he may direct-

- (a) that it be printed or asked with such alterations as he may direct; or
- (b) that it be returned to the Member concerned as inadmissible.

PART VI.

MOTIONS.

Questions etc, for debate.

18. No vote, resolution or motion (including any amendment to a motion) the effect of which, in the opinion of the Speaker is to make provision for imposing or increasing any tax, rate or duty, for imposing or increasing any charge on the revenue or other funds of Gibraltar, or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Gibraltar, shall be proposed except on the recommendation of the Minister of Finance.

Notice of motion.

19.(1) Subject to any other express provision in these Standing Orders, every Member wishing to make a motion shall give notice thereof, by delivering a copy of it in writing to the Clerk, at least five days, exclusive of Saturdays, Sundays and public holidays, before the day on which he intends to make the motion.

- (2) Any such notice shall be submitted to the Speaker who shall direct-
 - (a) that it be printed in the terms in which it was handed in; or
 - (b) that it be printed with such alterations as he may direct; or
 - (c) that it be returned to the Member who signed it, as being in his opinion inadmissible.

Motions not requiring notice.

20. Unless the Standing Orders otherwise direct, notice shall be given of any motion which it is proposed to make with the exception of the following-

- (a) a motion by way of amendment to another motion being debated in the Parliament;
- (b) a motion made in committee of the whole Parliament;
- (c) a motion for the adjournment of the Parliament or of any debate;
- (d) a motion that a petition be read, printed or referred to a Select Committee;
- (e) a motion that the report of a Select Committee be referred to a Committee of the whole Parliament or be printed;
- (f) a motion for the withdrawal of strangers;
- (g) a motion for the suspension of a Member;
- (h) a motion relating to a matter of privilege.

Manner of debating motions and amendments thereto.

21.(1) When a motion has been moved in the Parliament, the Speaker shall propose the question thereon to the Parliament in the same terms as the motion; debate may then take place upon that question and may continue so long as any Member wishes to speak who is entitled to do so.

(2) When he is satisfied that no more members wish to speak, the Speaker shall call upon the mover to reply and immediately the mover has concluded his reply shall put the question to the Parliament and the Parliament shall express its decision in accordance with the provisions of Standing Order 53.

(3) Any amendment to the motion which a Member wishes to propose in accordance with the provisions of Standing Orders 23 and 24 may be moved at any time after the question upon the motion has been proposed by the Speaker and before it has been put by the Speaker at the conclusion of the debate upon the motion.

(4) When any amendment has been moved it shall be dealt with in the manner provided for motions under paragraphs (1) and (2) above except that the question proposed by the Speaker shall be "That this amendment be made".

(5) Any amendment to an amendment which a member wishes to propose may be moved at any time after the question upon the original amendment has been proposed by the Speaker, and before it has been put by the Speaker at the conclusion of the debate on the original amendment.

(6) When any amendment to an amendment has been moved it shall be dealt with in the manner provided for motions under paragraphs (1) and (2) above except that the question proposed by the Speaker shall be “That this amendment to the amendment be made”.

(7) When every amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.

(8) When every amendment has been disposed of, the Speaker shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and after any further debate which may arise thereon, shall put the question for decision.

(9) When two or more amendments are proposed to be moved to the same motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the motion, or in the cases of doubt in such order as he shall decide.

Withdrawal of motions.

22. Once a motion has been proposed by a member it may be withdrawn only with the leave of the Parliament, but if so withdrawn may be made again at some other meeting of the Parliament on due notice.

PART VII – AMENDMENTS

Amendments.

23.(1) Any Member may move an amendment of any proposition if the amendment is relevant and not identical with any amendment moved by another Member. The relevancy of an amendment or the identity of one amendment with another shall be decided by the Speaker.

(2) The mover of an amendment may speak in support thereof.

(3) Amendments of a motion shall be put before the original motion and an amendment of a proposed amendment shall be considered as if the previous amendment were an original motion.

Amendment to be in writing.

24. Any amendment may be required by the Speaker to be put into writing by the mover and delivered to the Clerk.

Motions for Adjournment: Definite matter of urgent public importance.

24A.(1) Any Member may, on any day other than the first day of a new Parliament at the time prescribed in Standing Order 7 (Order of business), rise in his place and state that he asks leave to move the adjournment of the Parliament for the purpose of discussing a definite matter of urgent public importance.

(2) A Member who wishes so to ask leave shall, at least one hour before the commencement of the sitting, hand to the Speaker a written notification of the matter which he wishes to discuss. The Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite, urgent and of public importance.

(3) If the Speaker is so satisfied and either-

(a) leave of the Parliament is given; or

(b) if it is not given, at least two Members rise in their places to support the request, the motion shall stand over until the conclusion of the business set down for the meeting or five and a half hours after the granting of leave to move the motion, whichever is the earlier, and in the latter event any business under discussion shall be interrupted and shall stand postponed until the next sitting. Provided that if, on a day on which business has been so interrupted and postponed, the motion for the adjournment of the Parliament is negatived, the Speaker may then suspend the sitting to a date and time to be named by him, when the interrupted business shall be resumed.

Motions for the adjournment of the Parliament and the raising of matters thereon.

24B.(1) A Minister may move "That this Parliament do now adjourn" at the commencement of public business or between two items of public business, but any other Member may only move such a motion under Standing Order 24A.

(2) A motion may be moved under paragraph (1) of this Standing Order to enable a Minister to raise any matter which it is desired to debate without formulating a motion in express terms.

(3) On the conclusion of all the business set down for a meeting or of a debate on the adjournment of the Parliament for the purpose of discussing a definite matter of urgent public importance, whichever is the later, the Speaker shall call upon a Minister to move "That this Parliament do now adjourn", in order to allow not more than two Members who have obtained the right to do so under paragraph (4) of this Standing Order to raise any public matter for which the Government is responsible or any other matter which, in the opinion of the Speaker, is suitable for raising on the adjournment. When each such Member has concluded his speech a Minister may reply.

(4) A Member shall have the right to raise a matter under the provisions of paragraph (3) of this Standing Order if notice thereof has been given in writing to the

Clerk not later than 5.00 pm on the previous day or if the Speaker, in his discretion, has dispensed with such notice in respect of the matter. A Member who has given notice shall have precedence over a Member in respect of whom such notice has been dispensed with, and if the notice has been given by more than two Members, the two Members who first gave notice shall have precedence, in the order in which their notices were given.

(5) If, at the expiration of forty minutes after a Member who has obtained the right to raise a matter under paragraph (4) of this Standing Order has been called upon to speak, the Minister has not concluded his reply, the Speaker shall either call upon the next Member who has obtained the right to speak or if no other member has obtained the right, shall declare that the Parliament stands adjourned.

(6) On any motion for the adjournment of the Parliament and without prejudice to any other restriction on debate which may apply by virtue of Standing Order 55(2) the Speaker shall not permit reference to matters requiring legislative remedy, except such incidental reference to legislative action as he may consider relevant to any matter of administration then under debate when enforcement of prohibition would, in his opinion, unduly restrict the discussion of such matter.

PART VIII

BILLS

(a) *General.*

Introduction of Bills.

25.(1) Any Member may move for leave to introduce a Bill:

Provided that no Bill which in the opinion of the Speaker makes provision for imposing or increasing any tax, rate or duty, for imposing or increasing any charge on the revenues or other funds of Gibraltar or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Gibraltar, shall be introduced except on the recommendation of the Minister of Finance:

And provided further that except with the consent of the Governor signified by the Chief Minister, no Bill shall be introduced that concerns a matter for which the Governor is responsible under section 47 (1) of the Constitution.

(2) Notice of motion under this Order shall be given by delivering a copy of the Bill to the Clerk at least five days, exclusive of Saturdays, Sundays and public holidays, before the day on which it is intended to move the motion.

Government Bills.

26. Notwithstanding the provisions of Standing Order 25 a Bill may be introduced on behalf of the Government without leave of the Parliament.

Precedence of Bills.

27. Government Bills shall take precedence in the Order Paper over all other Bills.

Bills to be published.

28. No Bill shall be read a first time until the expiration of six weeks after the date on which the Bill was published in the Gazette except where the Chief Minister certifies in writing under his hand that consideration of the Bill is too urgent to permit such a delay.

Circulation of copies of Bills.

29. Printed copies of all Bills shall be sent by the Clerk to every Member as soon as possible after publication and in any event not less than five weeks prior to the first reading thereof, unless the Chief Minister has certified urgency under Standing Order 28 in which case the period of five weeks is abridged to 7 days.

(b) *Progress of Bills.*

First Reading.

30. On the motion being made that a Bill be read a first time no discussion shall be allowed. The motion shall be put to the meeting forthwith and, if carried, the Clerk shall read the title of the Bill. Thereupon a day shall be fixed for the second reading by the Member in charge of the Bill which may be either the same or a subsequent day.

Second Reading.

31.(1) On the motion being made, "That a Bill be now read a second time," the discussion shall be confined to the principles and merits of the Bill.

(2) The only amendment to the question permissible shall be one postponing the second reading to some subsequent date. If the motion be carried the Clerk shall read the title of the Bill, and thereupon a day shall be fixed for the consideration of the Bill in committee, which may be the same day if all Members agree, or a subsequent day if otherwise.

**Amendments
to motion for
second
reading.**

(3) The mover of the second reading shall have a right of reply.

Committal of Bills.

32. When a Bill has been read a second time it shall stand committed to a Committee of the whole Parliament unless the Parliament on motion commits it to a Select Committee. Such motion shall not require notice, must be made immediately after the Bill is read a second time and may be proposed by any Member; the question thereon shall be put forthwith and shall be decided without amendment or debate.

Appropriation Bill.

32A.(1) The provisions of this Order shall apply to the annual Appropriation Bill and insofar as the provisions hereof conflict with the provisions of any other Standing Order the provisions of this Order shall prevail.

(2) The Second Reading of the Bill shall be moved by the Minister of Finance.

(3) After all other Members who wish to do so have spoken to the Bill, the Minister of Finance shall have the right of reply. In exercising the right to reply the Minister of Finance shall be restricted to dealing with matters raised during the debate and shall not introduce any new matter.

Finance Bill.

32B.(1) The provisions of this Order shall apply to the annual Bill which the Minister of Finance certifies to the Speaker to be the annual Finance Bill and insofar as the provisions hereof conflict with any other Standing Order the Provisions of this Order shall prevail.

(2) The provisions of Standing Order 29 shall not apply to the Finance Bill.

(3) The Parliament shall not proceed on the Finance Bill before the Appropriation Bill has been read for the Third time.

(4) The Second Reading of the Finance Bill shall be moved by the Minister of Finance. Immediately after the Minister of Finance has spoken to the Bill, the Parliament shall be adjourned for such period, not in any event being less than 2 hours, as on motion is agreed to, before proceeding further on the Bill.

(5) After all other Members who wish to do so have spoken to the Bill the Minister of Finance shall have the right of reply. In exercising the right to reply the Minister of Finance shall be restricted to dealing with matters raised during the debate and shall not introduce any new matter.

Bill in Committee.

33.(1) When the Committee Stage is reached the Parliament shall resolve itself into a Committee of the whole Parliament for the consideration of the Bill.

(2) The Clerk shall call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, the Chairman shall propose the question "That the clause (or the clause amended) stand part of the Bill" and, when all Members who wish to speak thereon have spoken, he shall put that question to the Committee for its decision.

**Procedure in
Committee
of whole
Parliament
on a Bill**

(3) Any proposed amendments of which notice has not been given shall be handed to the Chairman in writing.

Amendments

(4) No amendment shall be moved which is inconsistent with any clause already agreed upon or any decision already come to by the Committee, and the Chairman may, at any time during the discussion of a proposed amendment, withdraw it from the consideration of the Committee if in his opinion the discussion has shown that the amendment contravenes the provisions of this paragraph.

(5) The provisions of Standing Order 21 relating to the discussion of amendments to motions and of amendments to amendments shall apply to the discussion of amendments to Bills and of amendments to amendments, with the substitution wherever appropriate of the word "clause" for the word "motion" or the word "question" and of the word "Chairman" for the word "Speaker" throughout.

(6) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.

(7) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any Schedule to the Bill:

New clauses.

Provided that a proposed new clause may be considered at an earlier stage with the consent of the Chairman;

And provided further that a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after such disagreement.

(8) On the title of any new clause being read by the Clerk, the clause shall be deemed to have been read a first time. The question shall then be proposed "That the clause be read a second time"; if this is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be "That the clause (as amended) be added to the Bill".

(9) Schedules shall be disposed of in the same way as clauses and any proposed new Schedule shall be considered after the Schedules to the Bill have been disposed of, and shall be treated in the same manner as new clauses.

Schedules.

(10) An amendment, new clause or new Schedule may be withdrawn at the request of the mover by leave of the Committee before the question has been fully put thereon provided that there is no dissentient voice.

(11) If the question has been proposed on an amendment to an amendment to a new clause or to a Schedule, the original amendment, new clause or new Schedule may not be withdrawn until the amendment thereto has been disposed of.

(12) When every clause and Schedule and proposed new clause or Schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this preamble (as amended) be the preamble to the "Bill". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(13) After consideration of the preamble (if any) the long title shall be considered and dealt with, mutatis mutandis, as if under paragraph (2) of this Order. No question shall be put upon the enacting formula.

(14) At the conclusion of the proceedings in Committee on a Bill, the Parliament shall resume without question put, and the Member in charge of the Bill shall report the Bill to the Parliament.

Adjournment.

34. If the consideration of a Bill in committee is not completed it may on motion made be adjourned until the next or some subsequent sitting of the Parliament.

Resumption.

35. When the time arrives for the resumption of the consideration of a Bill in committee, the Parliament shall resolve itself into committee without question put.

Recommittal of Bill reported from Committee of the whole Parliament.

36.(1) If any member desires to delete or amend any provision contained in a Bill as reported from a Committee of the whole Parliament or to introduce any new provision therein, he may at any time before a Member rises to move the third reading of the Bill, move that the Bill be recommitted, no notice of such motion being required, and if the motion is agreed to, the Bill shall stand recommitted, and the Parliament shall forthwith without question put resolve itself into a Committee to consider the Bill.

(2) The committee upon a recommitted Bill shall go through the Bill as provided in paragraphs (1) to (13) of Standing Order 33.

(3) At the conclusion of the proceedings in Committee on a recommitted Bill the procedure shall be the same as at the conclusion of the proceedings in Committee on a committed Bill under Standing Order 33.

Third Reading.

37.(1) When the Bill has been considered in committee it may on motion made be read a third time, either forthwith or at some subsequent sitting.

(2) On motion for the third reading of a Bill being made the Speaker shall put the question as follows- "That this Bill be now read a third time and passed."

Question to be put.

(3) To this question the only amendments shall be-

Amendments on motion for third reading.

(a) that the third reading be postponed to some subsequent day;

(b) that the Bill be recommitted, either generally or for a limited purpose;

(c) verbal amendments.

[NOTE:- For procedure in relation to Bills reported from a Select Committee see SO 42]

(c) Private Bills.

Bills affecting persons.

38. When any Bill shall be proposed which may affect or benefit some particular person, association or corporate body, notice shall be given to all parties concerned of the general nature and objects of such Bill by publication in the Gazette, and every such Bill, not being a Government measure, shall be published in two successive numbers of the Gazette and that Bill shall not be read a first time until the expiration of six weeks after the date on which the Bill was first published

Petition by private person to be heard when Bill affects his interests.

39. In any case where individual rights or interest or the property of any private person be peculiarly affected by any Bill, any party so interested may upon petition for that purpose and on motion made and carried, be heard before the Parliament or any committee thereof either in person or by counsel:

Provided that every such petition shall be transmitted to the Clerk before the Bill shall have passed the third reading.

Examination of witnesses.

40. When it is intended to examine any witnesses the person requiring such witnesses shall give in to the Clerk a list containing the names, residences and occupations of such witnesses at least one day before the day appointed for their examination. Any such witnesses may be examined, cross-examined and re-examined by counsel and may also be questioned by any member of the Parliament or of any committee thereof. The evidence of every such witness shall be taken down by the Clerk and signed by the witness.

PART IX – COMMITTEES

(a) Select Committee.

Appointments.

41.(1) A Select Committee shall be nominated by the Parliament only after notice given. The notice shall include the names of the Members proposed to be nominated.

(2) A Select Committee shall have power to elect its own Chairman. If the Member so elected be unable to be present at any meeting, the Committee shall elect another Chairman whose tenure of office shall be for the day of his election only.

Chairman.

- (3) Unless the Parliament otherwise directs, three Members, or if the number of the Select Committee does not exceed four, two Members shall form a quorum. For the purpose of ascertaining whether a quorum be present the Chairman shall be counted. **Quorum.**
- (4) The Speaker may in the case of the death or unavoidable absence of a Member, appoint another Member of the Parliament to take the place of such Member on the Committee. Every appointment under this Order shall be announced to the Parliament at its next meeting. **Replacement of Members.**
- (5) The deliberations of a Select Committee shall be confined to the matter referred to it by the Parliament and any extension or limitation thereof made by the Parliament, and in the case of a Select Committee on a Bill, to the Bill committed to it and relevant amendments. **Extent of deliberations.**
- (6) Select Committees shall have a right to the services of a Clerk and of a shorthand writer. **Clerical assistance.**
- (7) When it is intended to examine any witnesses before a Select Committee the Member of the Parliament or party requiring such witnesses shall deliver to the Clerk to the Committee, two days at least before the day appointed for their examination, a list containing the names, residences and occupations of such witnesses. The evidence of every witness shall be taken down when typed sent in draft to the witness. The witness shall be at liberty to suggest corrections due to inaccurate reporting and the evidence shall be typed with such of the corrections as may be approved by the Chairman. **Witnesses.**
- (8) A Select Committee may continue its investigations although the Parliament is in recess but no Select Committee of the Parliament shall sit whilst the Parliament is sitting except by leave of the Parliament. **When Committee may sit.**
- (9) The Committee, after having deliberated, shall consider its Report. **Report by Committee.**
- (10) The Report of every Select Committee shall be signed by the Chairman thereof or in his absence by the Member first in order of precedence and by every Member of the Select Committee who agrees with the terms of the Report. **Report to be signed by Chairman and Members.**
- (11) Any Member or Members dissenting from the opinion of the majority of a Select Committee may put in a written statement of the reasons for such dissent, and such statement shall, if presented in time, be appended to the Report of the Select Committee. **Minority reports.**
- (12) By leave of the Parliament the Committee may from time to time report their opinions or observations, or the minutes of evidence only, or the proceedings. **Interim reports.**

Proceedings on Bills reported from Select Committees.

42.(1) When a Bill has been reported from a Select Committee, the Parliament shall proceed to consider the Bill as reported from the Select Committee upon a motion "That the report of the Select Committee be approved".

(2) If that motion is agreed to without amendment, the Parliament may proceed to the third reading of the Bill as reported from the Select Committee.

(3) Upon a motion to approve the report of a Select Committee on a Bill, any Member may propose an amendment to add, at the end of the motion, the words “subject to the recommittal of the Bill to a Committee of the whole Parliament”, and if that motion is agreed to with such an amendment, the Bill shall stand so recommitted. The Parliament shall thereupon without question put resolve itself into a Committee to consider the Bill.

(4) A Committee of the whole Parliament upon a Bill, recommitted after having been reported from a Select Committee, shall proceed in accordance with the provisions of paragraph (2) of Standing Order 36 and the conclusion of its proceedings and the remaining proceedings on the Bill shall be subject to the provisions of paragraph (3) of that Order.

(5) A Report or Special Report from a Select Committee shall be brought up by the Chairman or other Member deputed by the Committee and shall be ordered to lie upon the Table unless any Member move that it be referred to a Committee of the whole Parliament.

(6) Any Member of the Parliament may move that a Report from a Select Committee or that a Bill as amended in a Select Committee be printed.

(b) *Committee on Estimates.*

Estimates.

43.(1) Printed, typed or stencilled copies of the Annual Estimates and of all Supplementary Estimates shall be sent by the Clerk to every Member at least fifteen days in the case of the Annual Estimates and seven days in the case of Supplementary Estimates prior to the consideration thereof by the Parliament. Copies of such estimates shall also be laid on the table at the Meeting of the Parliament at which they are to be considered.

(2) The Annual Estimates and all Supplementary Estimates shall be considered at the Committee Stage of the annual Appropriation Bill, or of the Supplementary Appropriation Bill as the case may be, which seeks to appropriate the monies detailed in such Estimates.

(3) Notwithstanding anything contained elsewhere in these Standing Orders at the Committee Stage of the annual Appropriation Bill and of every Supplementary Appropriation Bill, the Schedule to the Bill in which is set out the Heads of Estimates and the sums to be appropriated in respect of each Head, shall be considered immediately after the first clause of the Bill.

(4) In the case of the Annual Estimates and of Supplementary Estimates at the Committee Stage the clerk shall read out in succession the number and title of each Head of Estimates and the number and title of each sub-head thereof whereupon such sub-head shall be open to debate and shall be voted on separately.

(c) Rules Committee.

Composition.

44.(1) There shall be a Standing Rules Committee of the Parliament, which shall consist of three Members nominated by the Chief Minister, two Members nominated by the Leader of the Opposition.

(2) The Chief Minister shall be the Chairman of the Committee, and in his absence another Minister designated by him shall act as Chairman.

Chairman.

(3) The Committee shall sit at such times as may be determined by the Chairman, not less than seven days notice of each meeting being given to the Members.

(4) The Chairman or acting Chairman and one Member nominated by the Chief Minister and one Member nominated by the Leader of the Opposition shall constitute a quorum and all matters before the Committee shall be decided by a majority of the Members voting; in case of equality of votes the Chairman shall have a casting vote in addition to his original vote.

Quorum

(5) The Committee shall consider such matters as are referred to it by the Speaker, the Chief Minister or the Leader of the Opposition.

Terms of reference.

PART X – MISCELLANEOUS

Rules of Debate

Members to speak standing.

45.(1) A member desiring to speak shall rise in his place and address his observations to the Speaker or Chairman.

(2) If two or more Members rise at the same time, the Speaker or Chairman shall call on the Member who first catches his eye.

Choice of Speakers.

(3) A member shall not, except with the permission of the Speaker or Chairman, read his speech, but he may read extracts from written or printed papers in support of his argument, and may refresh his memory by references to notes.

Reading of speeches forbidden.

(4) References shall not be made to any matter on which a judicial decision is pending, in such a way as may prejudice the interests of parties thereto.

Matters sub judice.

(5) It shall be out of order to attempt to revive in any debate a matter upon which the Parliament has come to conclusion during the current meeting.

Revival of issues in subsequent debates.

(6) No Member shall impute improper motives to any other Member.

Personalities.

- (7) No member may speak more than once on any proposition except –
- (i) in Committee;
 - (ii) in explanation as provided in paragraph (8) of this Order;
 - (iii) in the case of the mover of a motion or amendment in the Parliament in reply at the end of a debate thereon;
 - (iv) in the case of the same Minister replying to more than one Member who have obtained the right to raise matters on the adjournment under Standing Order 24B.

Occasions when a Member may speak more than once.

(8) A member who has spoken to a question proposed to the Parliament may again be heard, if the Speaker so permits, to explain some part of his speech which has been misunderstood; but when so speaking he shall not introduce any new matter.

(9) A member who has spoken may speak again when a new Question has been proposed from the Chair such as a proposed Amendment or a Motion for the Adjournment of the Debate.

When Member may speak again.

(10) No Member shall interrupt another Member except:

Interruptions.

- (i) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Speaker or Chairman for decision; or
- (ii) to elucidate some matter raised by another Member in the course of his speech, provided that the Member speaking is willing to give way and resumes his seat and that the Member wishing to interrupt is called by the Speaker or Chairman.

(11) Her Majesty's name shall not be used to influence the Parliament.

Use of her Majesty's name

(12) The conduct of Her Majesty, Members of the Royal Family, the Governor, members of the Parliament, the Chief Justice or other persons engaged in the administration of justice shall not be raised except upon a specific substantive motion moved for that purpose; and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of the persons aforesaid shall be out of order.

Conduct of certain persons to be raised only as substantive motion.

Relevancy in debate.

46.(1) Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, except in the case of a motion for the adjournment of the Parliament.

(2) When a motion is made for the adjournment of a debate or the Parliament during any debate, or in Committee that the Chairman do report Progress, the debate

upon such a motion shall be confined to the matter of such motion, and a Member who has made such a motion shall not be entitled to move any similar motion during the same debate.

Anticipation.

47.(1) It shall be out of order to make a motion or move an amendment dealing with the subject matter of a Bill or other matter appointed for consideration; and an amendment shall also be out of order if it deals with the subject matter of a motion of which notice has been given.

(2) Any matter, notice of motion or amendment of which notice has been given, shall not be anticipated in a debate upon a motion for the adjournment of the Parliament or in any other debate.

Termination of debate.

48.(1) No Member may speak to any question after the same has been fully put by the Speaker or Chairman.

(2) A Question is fully put, when the Speaker or Chairman has collected the voices both of the Ayes and of the Noes.

Personal explanation.

49. By the indulgence of the Parliament, a Member may make a personal explanation, although there be no Question before the Parliament; but no debatable matter may be brought forward, or debate arise upon the explanation.

Speaker to be heard in silence.

50. Whenever the Speaker or Chairman rises during a debate, any Member then speaking, or offering to speak, must sit down, and the Parliament or Committee is to be silent so that the Speaker or Chairman may be heard without interruption.

Responsibility for Order.

51. The Speaker in Parliament and the Chairman in any Committee shall be responsible for the observance of the rules of order in the Parliament and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Parliament except upon a substantive motion made after notice.

Breaches of Order.

52.(1) If a Member shows disregard for the authority of the Chair, or abuses the rules of the Parliament by persistently and wilfully obstructing the business of the Parliament or otherwise, the Speaker shall direct the attention of the Parliament to the incident mentioning by name the member concerned. A motion may then be made upon which the Speaker shall forthwith put the Question, no amendment,

adjournment, or debate being allowed, “That such Member be suspended from the service of the Parliament” or “That such Member be reprimanded”. If such an offence shall have been committed in a Committee of the whole Parliament the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the Parliament, and the Speaker 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 Parliament itself.

(2) Not more than one Member shall be named at the same time, unless several Members present together have jointly disregarded the authority of the Chair.

(3) If a Member be suspended under the provisions of this Order his suspension shall last until determined by the Parliament:

Provided that no suspension shall extend beyond the last day of the meeting next following that in which the resolution is passed.

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

(5) The Speaker or Chairman shall order Members whose conduct is grossly disorderly to withdraw immediately from the Parliament Chamber during the remainder of the day’s sitting.

(6) If a direction to withdraw under paragraph (5) of this Order be not complied with at once or if on any occasion the Speaker or Chairman deem that his powers under that paragraph are inadequate, he may name such Member or Members in pursuance of paragraph (1) of this Order.

(7) The Speaker or Chairman whether acting under paragraph (1) or (5) of this Order may direct such steps to be taken as are required to enforce his order.

(8) Members who are suspended under paragraph (1) of this Order or who are directed to withdraw under paragraph (5), shall forthwith withdraw from the precincts of the Parliament Chamber.

(9) Nothing in this Order shall be deemed to prevent the Parliament from proceeding against any Member for any breach or order not specified herein or from proceedings in any other way it thinks fit in dealing with the breaches of order herein mentioned.

Voting.

53.(1)(a) All questions proposed for decision in the Parliament shall be determined by the majority of the votes of the Members present and voting.

(b) The Speaker shall have neither an original nor a casting vote.

- (c) Subject to the last foregoing paragraph any Member shall, when presiding, have an original vote but no casting vote.
- (d) If upon any question before the Parliament the votes are equally divided, the motion shall be declared lost.
- (e) The provisions of sub-paragraphs (a), (b), (c) and (d) of this paragraph shall apply to a Committee or Select Committee and to the Chairman of a Committee or Select Committee, *mutatis mutandis*, as they apply to the Parliament and the Speaker of the Parliament.

(2) At the conclusion of a debate the question shall be put by the Speaker and the votes may be taken by voices Aye or No and the result shall be declared by the Speaker, but any Member may claim a division when the votes shall be taken by the Clerk asking each Member separately how he desires to vote and recording the votes accordingly.

(3) In taking the division the names of the elected Members shall be called in alphabetical order. In Select Committee, the Chairman, shall vote last.

(4) When a division is claimed either in the Parliament or in Committee of the whole Parliament or in a Select Committee every member present shall, unless he expressly states that he declines to vote, record his vote either for the Ayes or Noes. The clerk shall enter on the Minutes the record of each Member's vote and shall add a statement of the names of Members who declined to vote.

(5) As soon as the Clerk has collected the votes, the Speaker or, in Committee or Select Committee, the Chairman shall state the numbers voting for the Ayes and the Noes respectively and may then give his vote, if any, and shall then declare the result of the division.

(6) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, provided that such request is made as soon as the Speaker has announced the numbers and before he shall have declared the result of the division.

(7) Where a member has a direct personal pecuniary interest on any subject, he shall declare that interest and shall not vote on the Question, but a motion to disallow a member's vote on this ground shall be made only as soon as the numbers of Members voting on the Question have been declared. If the motion for the disallowance of a Member's vote shall be agreed to, the Speaker or in Committee the Chairman, shall direct the Clerk to correct the numbers voting in the division accordingly. In deciding whether a motion for the disallowance of a Member's vote shall be proposed from the Chair, the Speaker, or, in any Committee of the Parliament, the Chairman, shall have regard to the character of the Question upon which the division was taken and to the consideration whether the interest therein of the member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of Her Majesty's subjects and whether his vote was given on a matter of state policy.

Publication of evidence.

54. The evidence taken before any Committee of the Parliament and any documents presented to such Committee shall not be published by any Members of such Committee or by any other person until they have been reported to the Parliament.

Practice of Parliament.

55.(1) In cases of doubt the Standing Orders of the Parliament shall be interpreted in the light of the relevant practice of the Commons House of Parliament of Great Britain and Northern Ireland.

(2) In a matter for which these Standing Orders do not provide, the said practice shall be followed, but no restrictions which the House of Commons has introduced by Standing Order shall be deemed to extend to the Parliament or its Members until the Parliament has provided by Standing Order for such restriction.

Employment of Members in professional capacity.

56. No member of the Parliament shall appear before the Parliament or any Committee thereof as counsel or solicitor for any party, or in any capacity for which he is to receive a fee or reward.

Strangers.

57. Strangers shall be admitted to debates in the Parliament Chamber under such rules as the Speaker may make from time to time for that purpose, provided that if any Member take notice that strangers be present, the Speaker, or in Committee the Chairman, shall put forward the question "That strangers be ordered to withdraw."

Press.

58. The Speaker may grant a general permission to the representative of any journal to attend the sittings of the Parliament provided that, if the journal publish a report of the proceedings which the Parliament considers unfair, such permission may be revoked.

Suspension of Standing Orders.

59. Any Standing Order may, with the consent of the Speaker, be suspended on motion of which at least one day's notice, in writing, exclusive of Saturday's, Sundays and public holidays, has been given to the Clerk. Provided that, if he is satisfied that the matter is one of urgent necessity, the Speaker may dispense with the requirement that notice shall be given. If the motion be carried the Standing Order or Orders shall be suspended so far as is necessary to carry out the object for which the motion was made. No debate shall be allowed on such motion being made.

Speaker.

60. "Speaker" means the Speaker and includes any other member of the Parliament presiding at a sitting.

Commencement.

61. These Standing Orders shall come into force on the date on which they are approved by Resolution of the Parliament and thereupon all previous Standing Orders shall be revoked.

Made by the Gibraltar Parliament on the 29th day of March 2007.