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LEGISLATIVE ASSEMBLY STANDING ORDERS

(2006 Revision)

Revised under the authority of the Law Revision Law (1999 Revision).

The Legislative Assembly Standing Orders made by the Legislative Assembly the 8th September, 1976 and approved by the Governor on the 16th September, 1976

consolidated with the -

Legislative Assembly (Amendment) Standing Orders, 1985 made the 11th September, 1985 and approved by the Governor the 2nd October, 1985.
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Consolidated and revised this 30th day of May, 2006.

Note (not forming part of the Standing Orders): This revision replaces the 1997 Revision which should now be discarded.

LEGISLATIVE ASSEMBLY STANDING ORDERS

(2006 Revision)

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LEGISLATIVE ASSEMBLY STANDING ORDERS

(2006 Revision)

Introductory

Citation

1. These Standing Orders may be cited as the Legislative Assembly Standing Orders (2006 Revision).

Definitions

2. In these Standing Orders-

"Clerk" means the Clerk of the Legislative Assembly and includes an Acting Clerk and a Deputy Clerk;

UKSIs

"Constitution" means the Cayman Islands (Constitution) Orders, 1972 to 2004;

"Government Minute" means Government's written response to the Report of the Public Accounts Committee as laid on the Table of the House under Standing Order 77(5);

"House" means the Legislative Assembly referred to in the Constitution;

"Meeting" means the whole or any part of a Session, irrespective of adjournments, in which the business set out in the Business Paper for the meeting is all disposed of;

"Member" means Member of the House;

"Member of the Government" means a Member of Cabinet;

"Order of the Day" means a stage of a Bill or other matter which the House has ordered to be taken into consideration on a particular day (including orders for the resumption of adjourned debates on Bills and motions);

"printing" includes all mechanised and photographic methods of producing words in visible form and all grammatical variations of the words "to print" shall be construed accordingly;

"session" means the meetings of the House commencing when the House first meets after being constituted, or after its prorogation or dissolution at any time, and terminating when it is prorogued or dissolved; and

"sitting" means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in Committee.

Members and Officers of the House

Oath or affirmation of allegiance

3. No Member shall sit or vote until he has made and subscribed before the Governor the oath or affirmation of allegiance in the form prescribed by section 44 of the Constitution and the Schedule thereto.

Presiding Officer

4. (1) At sittings of the House there shall preside -

(a) the Speaker;
(b) in the absence of the Speaker, the Deputy Speaker; or
(c) in the absence of the Speaker and the Deputy Speaker, such of the elected Members of the House (other than a Minister) as may be elected by the elected Members.

(2) The Speaker and Deputy Speaker shall be elected in accordance with section 31A of the Constitution.

(3) The person presiding shall, in such capacity, act as chairman of Committees of the whole House.

(4) The person presiding in the House and the chairman of a Committee shall exercise all the powers conferred by these Standing Orders.

Procedure for election of Members of Cabinet

5. (1) Any elected Member may nominate any other elected Member for election as a Member of the Cabinet under section 5(b) of the Constitution.

(2) Every such nomination shall require a seconder.

(3) Only Members who have been duly nominated and seconded shall be included in the ballot paper.

(4) Each Member shall indicate on the ballot paper which name or names of the Members not exceeding five in number he wishes to support.

(5) The five Members receiving the highest number of votes shall be declared to be the five Elected Members to Cabinet.

(6) In the event of an equality of votes the effect of which is that no five Members can be declared to have received the highest number of votes, that Member or those Members having received the highest or the highest and second highest or the highest, second highest and third highest or the highest, second highest, third highest and fourth highest number of votes, as the case may be, shall be declared to be elected and the other candidates next having an equality of votes shall be voted upon by the elected Members upon a further ballot paper to fill the remaining vacancy or vacancies on which they shall indicate which of the

aforesaid candidates' names they support, and the number of votes which they cast shall not exceed in number the number of posts remaining unfilled.

Absence of Members

6. It is the duty of a Member who is unable to attend a meeting of which he has had due notice, or a meeting that is adjourned to a later date, to inform the Clerk as early as possible of his inability to attend and, where necessary, whether he has obtained written leave of absence from the Governor under section 20(3)(b) of the Constitution.

Duties of the Clerk and the Serjeant-at-arms

7. (1) The Clerk shall keep the Minutes of the proceedings of the House and Committees of the whole House, and shall circulate a copy of the Minutes to Members before the commencement of the next sitting, or as soon as possible after the conclusion of each meeting.

(2) The Minutes shall record the names of Members attending and all decisions of the House, and shall be signed by the Presiding Officer.

(3) When divisions are taken in the House and in Committees of the House, the Minutes shall include the numbers abstaining and the numbers voting for and against the question and the names of Members so voting.

(4) The Clerk shall prepare for each meeting a Business Paper or Business Papers containing the business for that meeting.

(5) The Clerk shall prepare an Order Paper for each sitting showing the orders of the day.

(6) The Clerk shall prepare an Order Book showing all business appointed for any future day and any notices of questions or motions which have been set down for a future day whether for a day named or not given. The Order Book shall be open for the inspection of Members at all reasonable times.

(7) The Clerk shall be responsible for the custody of the votes, records, Bills and other documents laid before the House, which shall be open for inspection by Members and other persons under such arrangements as may be approved by the Presiding Officer.

(8) The Clerk, acting under the direction of the Presiding Officer, shall be responsible for the production of official reports of all speeches made in the House or in Committee of the whole House and for making copies available for Members as soon as possible.

(9) The Clerk shall be responsible for providing standing and select Committees of the House with Clerks from the Clerk's Department to serve as Clerks to such Committees.

(10) Where a Proclamation of the Governor under sections 46(1) and 47(1) of the Constitution is gazetted the Clerk shall send a copy of the Proclamation to each Member.

(11) It shall be the duty of the Serjeant-at-arms -

(a) to attend upon the Presiding Officer with the Mace, on entering and leaving the Chamber;
(b) to remove or cause, or ensure the removal of persons directed to withdraw;
(c) to maintain or cause to be maintained, order in the lobby, passages and precincts of the House; and
(d) to exercise supervision over constables assigned to duty in the House.

Meetings, Sittings and Adjournments of the House

Meetings and sittings

8. (1) The first meeting of every session of the House shall, by Proclamation, be held on such day as the Governor shall appoint in accordance with section 46(1) of the Constitution, and a session will usually consist of four meetings, but nothing shall preclude the summoning of a meeting of the House on such days as the Presiding Officer may determine.

(2) In addition to the meetings provided for in paragraph (1), the Presiding Officer may, in his discretion, summon a meeting of the House and shall do so on the written requisition signed by not less than seven Members, stating the terms of the motion or motions which they wish to debate. Notice of any such meeting shall be given to Members as soon as possible by the Clerk.

(3) When the House has adjourned to a specified date or time no notice of resumption shall be necessary unless that date shall be more than seven days after the adjourned meeting. The Presiding Officer may, at any time, suspend a sitting of the House or of a Committee of the whole House for a short period.

Special meeting

9. (1) If, during an adjournment of the House, it is represented by the Government to the Presiding Officer that the public interest requires that the House should meet on an earlier day than that to which it stands adjourned, the Presiding Officer may direct accordingly.

(2) Every direction under paragraph (1) shall be in writing, signed by the Presiding Officer, bear the date upon which it is given to the Clerk and specify the business to be transacted at the meeting to which it relates.

(3) Forthwith upon receipt of any direction under paragraph (1) or (2), the Clerk shall inform every Member, personally if practicable, of the time appointed by the Presiding Officer for the holding of the special meeting and of the business to be transacted thereat.

(4) Except by the leave of the House, no business other than the business specified in the direction under paragraph (1) or (2) shall be transacted at any special meeting.

Hours of sitting

10. (1) Every sitting shall, unless the Presiding Officer otherwise directs, begin at 10 a.m.

(2) At 4.30 p.m. the proceedings on any business under consideration shall be interrupted, any motion which has been moved for the adjournment of the House shall lapse, and, if the House is in Committee, the Presiding Officer shall return to the chair of the House, save that if the Presiding Officer is of opinion that the proceedings on which the House or the Committee is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business.

(3) If a division is in progress at 4:30 p.m. the business shall not be interrupted until the result of the division has been announced.

(4) Except as provided in paragraph (5) of Standing Order 11 (Adjournment of the House) no further business shall be entered upon after the interruption of business under paragraph (2).

(5) Any matter under discussion at the moment of interruption and any business not entered upon before that time shall stand over to the next meeting or sitting.

Adjournment of the House

11. (1) When, for any reason, it is not desired to formulate a motion in express terms for the purposes of debating a matter or matters, a motion "That the House do now adjourn" may be moved for the purpose of such a debate.

(2) A motion under paragraph (1) may be moved by any Member who shall give notice of his intention to the Presiding Officer. The Presiding Officer may decline to propose the question to the House if he considers it an abuse of its rules.

(3) A motion for the adjournment under paragraph (1) may only be moved between two items of business.

(4) If a motion for the adjournment made under paragraph (1) is agreed upon, the House shall stand adjourned in accordance with Standing Order 10 (Hours of sitting). If such motion is negatived or withdrawn, the House shall proceed to the next item of business.

(5) After the interruption of business under paragraph (2) of Standing Order 10 (Hours of sitting) or at the conclusion of all the business on the Order Paper, whichever is earlier, any Member may move "That this House do now adjourn".

(6) On a motion moved under paragraph (5), a Member who is not a Member of the Government and who has obtained the right to do so, may raise any public matter for which the Government has responsibility, in order to elicit a reply from a Member of the Government responsible for the matter. After not more than twenty minutes, the Member of the Government shall be called on to reply.

(7) A Member who wishes to raise a matter under paragraph (6) shall give notice in writing thereof to the Presiding Officer not less than two days before the day when he wishes so to do, but the Presiding Officer may, at his discretion, dispense with such notice.

(8) If, after thirty minutes from the moving of a motion under paragraph (5), it is not agreed to, the Presiding Officer shall adjourn the House without putting the question.

Adjournment-definite matter of urgent public importance

12. (1) A motion for the adjournment of the House may not be made until Other Business has been entered upon unless it is made by a Member of the Government or unless a Member rises in his place at the end of Questions and asks leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

(2) A Member who wishes to ask leave to move the adjournment of the House shall, before the commencement of the sitting, hand to the Presiding Officer written notice of the matter which he wishes to discuss. Such a motion by the Member may not be made unless the Presiding Officer is satisfied that the matter is definite, urgent and of public importance, and-

(a) the leave of the House is given; or
(b) seven or more Members rise in their place to support the request.

(3) If the Presiding Officer is satisfied that the motion may properly be made, and the leave of the House on that behalf is granted, the motion shall stand over until such hour on the same day as the Presiding Officer may appoint and, at that hour, any proceedings on which the House is engaged shall stand postponed until the motion for the adjournment is disposed of.

(4) Not more than one such motion shall be made at the same sitting, and not more than one matter shall be discussed on that motion.

Quorum

13. (1) The quorum of the House and of a Committee of the whole House shall consist of eight Members in addition to the person presiding.

(2) If objection is taken by any Member that a quorum is not present the Presiding Officer shall direct that Members be summoned, the Member taking objection having to remain within the Chamber and if, after five minutes, the Presiding Officer is satisfied that a quorum is not present he shall adjourn the House without question put.

(3) If, at any time during a sitting of a Committee of the whole House, objection is taken by any Member that a quorum is not present, the Presiding Officer shall direct Members to be summoned, and if, after five minutes, a quorum is not present, he shall leave the chair, and, the House being resumed, he shall direct the Clerk forthwith to count the House without question put, and if a quorum is present, the House shall forthwith again resolve itself into Committee.

(4) If, from the number of Members present during a division including those Members who declined to vote, it appears that a quorum is not present, the business then under consideration shall stand over until the next sitting or may be appointed to be taken at the end of the same sitting.

Arrangement of Business

Order of business at a sitting

14. (1) The business of each sitting other than the first sitting of a session shall be transacted in the following order (unless Standing Orders otherwise permit)-

(a) Prayers;
(b) Administration of oaths or affirmations;
(c) Reading by the Presiding Officer of messages and announcements;
(d) Presentation of petitions;
(e) Presentation of papers and of reports of select and standing committees by laying them on the Table;
(f) Questions to Members;

(g) Statements by Members of the Government;
(h) Personal explanations;
(i) Obituary and other ceremonial speeches;
(j) Raising of matters of privilege;
(k) Other business-
  (i) motions;
  (ii) Bills;
(l) Government business-
  (i) Bills;
  (ii) motions.

(2) On all days other than Thursdays, Government Business shall have precedence over private Members' business.

(3) On Thursdays, private Members' notices of motions shall have precedence on the Order Paper, followed by private Members' Bills, followed by Government Business.

(4) Subject to paragraphs (1) and (2), Members of the Government may place notices of motions and orders of the day on the Order Paper in any order they please.

(5) The prayers referred to in subparagraph (a) of paragraph (1) shall -

(a) in the case of a State Opening Meeting, be delivered by a minister of religion of a recognised church; and
(b) in any other case, be read by a Member selected for that purpose by the Business Committee of the House.

Petitions and Papers

Presentation of petitions

15. (1) A petition may only be presented to the House by a Member and shall show on its face the name of that Member

(2) A Member presenting a petition shall confine himself to a brief statement of the persons from whom it comes, the number of signatures attached to it and the material allegations contained in it, and to reading the prayer of the petition.

(3) Where a petition complains of a present personal grievance for which there may be a need to provide an immediate remedy, the matter contained therein may be brought into discussion on a motion following the presentation thereof.

(4) Other petitions shall be ordered, without question put, to lie upon the Table, unless a Member moves for it to be referred to a select committee.

(5) No Member may present a petition on his own behalf or one to which he is a signatory.

Form and content of petition

16. (1) No petition shall be presented to the House unless it has been endorsed by the Clerk as being in accordance with the following rules -

(a) every petition shall be properly addressed to the House, be respectfully decorous and temperate in its language, conclude with a prayer setting forth the general object of the petition or the nature of the relief sought and be in the form shown in the Schedule;

(b) the top sheet of every petition shall be handwritten though succeeding sheets may be typed, typewritten or lithographed and shall be signed on each sheet by one or more of the persons signing on the last sheet thereof, the signature or signatures on each sheet being the same;

(c) no letter, affidavit or other document may be attached to a petition, and no erasure or interlineation may be made therein;

(d) if signatures are affixed to more than one sheet, the prayer may be repeated at the head of each sheet;

(e) every petition shall be signed by the name or mark of every person whose name is appended thereto and no signature shall be pasted on or otherwise attached thereto;

(f) the petition of a corporation aggregate shall be under its common seal;

(g) the address of every person who signs a petition shall follow his signature; and

(h) the common seal of a corporation aggregate and the mark of a person signing by his mark shall be duly authenticated.

(2) No petition shall be received which, in the opinion of the Presiding Officer, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands.

Notice of petition

17. A copy of every petition shall be sent to the Clerk not less than five clear days before its presentation.

Presentation of papers

18. (1) A paper may be presented to the House only by a Member of the Government and its presentation shall be entered upon the Minutes.

(2) The Member of the Government presenting a paper may make a short explanatory statement of its contents.

(3) All rules, regulations and orders made by the Governor under the authority of any law which are required to be laid on the Table of the House shall be so laid as soon as may be after being made.

Debate upon papers

19. (1) At any time after the presentation of a paper under Standing Order 18 (Presentation of papers), the Member of the Government who presented the paper may give notice of a motion that the House resolve itself into a Committee of the whole House to consider the paper. Debate upon that motion shall be confined to the general principles there set forth.

(2) If a motion under paragraph (1) is agreed upon, the House shall resolve itself into Committee. Debate in Committee may extend to all the details of the paper which shall be discussed paragraph by paragraph unless otherwise decided by the Presiding Officer who shall have regard to the convenience of the House. No question shall be put on, nor any amendment proposed to, any part of the paper and at the conclusion of the debate no question shall be put save that the Member who moved the motion under paragraph (1) shall report to the House that the Committee has considered the paper.

(3) When such a paper contains proposals, the Member of the Government who presented the paper may, following consideration in Committee, subsequently move that the House approve the proposals set out in the paper, without amendment or with such amendment as he may incorporate in the motion arising out of consideration in the Committee.

Questions

Scope of questions

20. (1) Questions may be put to a Member of the Government relating to any subject or Department for which he is responsible or with which he is officially connected.

(2) Questions may also be put to any other Member relating to a Bill, motion or other public matter in connection with the business of the House for which such Member is responsible.

(3) The proper object of a question is to obtain information or to ask for action.

Notice of questions

21. (1) A question shall not be asked, unless it is of an urgent character or relates to the business of the day and the Member has obtained the leave of the

Presiding Officer, unless notice of the question has been handed to the Clerk no later than ten days prior to the commencement of the meeting of the House at which it is sought to ask the question.

(2) Immediately upon receipt of a notice of a question, such question shall be forwarded immediately by the Clerk to the Presiding Officer and to the Member of the Government with portfolio responsibility for the matter which is the subject of the question.

(3) Every notice of a question shall be signed by the Member giving it.

Content of questions

22. (1) The right to ask a question shall be subject to the following general rules, as to the interpretation of which the Presiding Officer shall be sole judge -

(a) a question shall not include the name of persons, or any statements of fact, unless they are necessary to render the question intelligible;

(b) if a question contains a statement of fact, the Member asking it shall make himself responsible for the accuracy of the statement, and no question shall be based upon a newspaper report or upon an unofficial publication;

(c) a Member shall not address the House upon any question, and no question shall be made a pretext for a debate;

(d) questions shall not be of excessive length;

(e) questions shall not contain argument, inference, opinion, imputation or tendentious epithets, or ironical or offensive expressions;

(f) a question shall not be asked -

(i) which raises an issue already decided in the House, which has been answered fully during the current session or to which an answer has been refused;

(ii) seeking information about matters which are in their nature secret;

(iii) regarding proceedings in a Committee which have not been placed before the House by a report from that Committee;

(iv) which deals with matters referred to a commission of enquiry;

(v) as to the character or conduct of any person except in his official or public capacity;

(vi) reflecting on the decision of a court of law or being likely to prejudice a case under trial;

(vii) reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion under Standing Order 35 (Contents of speeches);

(viii) asking whether statements in the press, or of private individuals, or unofficial bodies are accurate;

(ix) referring discourteously to, or seeking information about the internal affairs of, any territory within the Commonwealth or of a friendly foreign country;

(x) the answer to which can be found by reference to available official publications;

(xi) seeking, for purposes of argument, information on matters of past history; or

(xii) raising questions of policy too large to be dealt with within the limits of an answer; and

(g) a question shall not solicit expression of opinion or the solution of an abstract legal question or be hypothetical.

(2) If the Presiding Officer is of the opinion that any question of which a Member has given notice to the Clerk infringes any Standing Order or in any way is an abuse of the right of questioning, he may direct -

(a) that the Member concerned be informed that the question is out of order; or

(b) that the question be entered in the Order Book with such alterations as he may direct.

Manner of asking and answering questions

23. (1) At question time the Presiding Officer shall call in turn upon each Member in whose name a question stands upon the Order Paper, in the order in which the questions are printed. Each Member so called shall rise in his place and ask the question on the Order Paper and the Member of the Government questioned shall reply.

(2) After the answer to a question has been given supplementary questions may, at the discretion of the Presiding Officer, be put for the purpose of elucidating the answer given orally, but the Presiding Officer may refuse any question which in his opinion introduces matter not relevant to the original question or which infringes Standing Order 22 (Contents of questions).

(3) When all the questions for which an oral answer is required have been called, the Presiding Officer, if time permits, shall call again any question which has not been asked by reason of the absence of the Member in whose name it stands; in which case another Member may, if deputed by the absent Member on his behalf, either ask the question or request its postponement. The Presiding Officer shall also call again any questions which have not been answered by reasons of the absence of the Member to whom it is addressed.

(4) A Member of the Government may decline to answer a question if an answer would, in the opinion of the Government, be contrary to the public interest.

(5) A Member of the Government may, with the leave of the House, defer answering a question.

(6) Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member for the same day, and any question in excess of this number shall not be called by the Presiding Officer but shall be answered as provided in paragraph (8).

(7) No question shall be asked after 11 a.m. except any question which the Presiding Officer has allowed to be asked without notice under paragraph (1) of Standing Order 21 (Notice of questions).

(8) Any question which has not received an oral answer by 11:00 a.m. shall be postponed and placed upon the Order Paper for reply at some later sitting within the same meeting:

Provided that if all other business for the meeting has been disposed of, such postponed questions and all other questions listed on a Business Paper but not placed on the Order Paper shall be answered in writing by the Member of Government to whom the question was addressed, and copies of the answer shall be sent immediately thereafter to the Clerk, who shall send a copy to the Member in whose name the question stood and to all other Members.

Motions and Amendments to Motions

Content and notice of motions and procedure thereon

24. (1) Subject to the Constitution and these Standing Orders, any Member may propose by way of motion any matter for debate in the House.

(2) Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer, makes provision for imposing or increasing any charge on the revenues or other funds of the Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands.

(3) The signification of the recommendation of the Governor shall be recorded in the Minutes of the proceedings.

(4) A motion shall not contain personal opinions or controversial allegations unnecessary to the main issue upon which the House is being moved to declare its will.

(5) Subject to the exceptions specified in paragraph (9), no Member shall make a motion unless he has given notice in writing of that motion either at some previous sitting of the House, or to the Clerk, not less than five clear days prior to the commencement of the meeting of the House at which such motion is to be made.

(6) Not more than three notice of motions in the name of the same Member, other than a Member of the Government, may be entered on the Business Paper of any meeting.

(7) If a Member desires to vary the terms of a motion standing in his name, he may do so by giving an amended notice of motion, but only if such amendment does not, in the opinion of the Presiding Officer, materially alter the scope of or any principle embodied in the original motion. Such amended notice shall run from the time at which the original notice was given and Standing Order 25(2) shall not apply.

(8) No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.

(9) The following motions may be made without notice -

(a) that a petition or other paper do lie on the Table, be printed or be rejected;
(b) to refer a Bill or any other matter to a select committee;
(c) for the withdrawal of a Bill under Standing Order 58 (Withdrawal of Bills);
(d) for the withdrawal of strangers;
(e) relating to a matter of privilege;
(f) for the suspension of a Member;
(g) that the question be now put;
(h) arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;
(i) to recommit a Bill under Standing Order 55 (Recommittal of Bills); and
(j) that the House resolve itself into Committee.

(10) The question upon a motion or an amendment shall not be proposed by the Presiding Officer unless such motion or amendment has been seconded; if it is not so seconded, no record of proceedings upon the motion or amendment shall be entered in the minutes of proceedings but -

(a) a motion or amendment moved by a Member of the Government shall not require seconding; and
(b) in Committee a seconder shall not be required.

(11) If a Member does not move a motion or amendment which stands in his name when he is called on, it shall be removed from the Order Paper unless some other Member duly authorised by him in writing moves it in his stead:

Provided that a motion or amendment standing in the name of a Member of the Government may be moved by any other Member of the Government.

(12) On a motion made and when necessary seconded, the Presiding Officer shall propose the question to the House, and after debate, if any, shall then put the question for the decision of the House.

(13) If a motion embodies two or more separate propositions, the propositions may be proposed by the Presiding Officer as separate questions.

(14) A motion may be withdrawn with the leave of the House; but if so withdrawn it may be made again at another meeting of the House, after notice has been given as required by paragraph (5).

(15) If an amendment has been proposed to a question, the original motion cannot be withdrawn until the amendment has been disposed of.

Amendments to motions

25. (1) Any Member may propose an amendment to any motion to be considered by the House or a Committee.

(2) Not less than two days' notice shall be given of an amendment to a motion unless, in exceptional circumstances, the Presiding Officer so authorises otherwise.

(3) An amendment shall be relevant to the motion to which it relates.

(4) An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon. When every such amendment has been disposed of, the Presiding Officer 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 to the House or Committee for its decision.

(5) When two or more amendments are proposed to be moved to the same motion, the Presiding Officer shall call upon the movers in the order in which the

amendments relate to the text of the motion, or in case of doubt, as he shall decide.

(6) Any amendment may be withdrawn at the request of the mover, by leave of the House, before the question is fully put thereon, provided that there is no dissent.

(7) When the question upon the amendment to a motion has been proposed by the Presiding Officer, an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn or negatived.

(8) An amendment shall not raise any question which, under these Standing Orders, can only be raised by a substantive motion after notice.

Form of question on amendments

26. Upon an amendment to leave out any words of the motion, to leave out words and insert words, or to insert words, the question to be proposed shall be "That the amendment be made".

Amendments to amendments

27. (1) An amendment to an amendment may be moved and seconded at any time after the question upon the original amendment has been proposed, and therefor it has been put at the conclusion of the debate on the original amendment.

(2) Standing Order 26 (Form of question on amendments) applies to amendments to amendments.

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

Privileges, Messages, Statements and Personal Explanation

Matters of privilege

28. (1) A Member who wishes to raise a matter which he believes affects the privileges of the House shall do so at the first available sitting of the House. He shall inform the Presiding Officer of his intention, stating the matter which he proposes to raise.

(2) When called by the Presiding Officer, the Member shall briefly state the grounds on which he believes that the matter he is raising affects the privileges of the House.

(3) The Presiding Officer shall then state whether, in his opinion, the matter may or may not affect the privileges of the House.

(4) Any Member may then move a motion relating to that matter of privilege, which shall take precedence over other business.

(5) Matter of privilege shall be raised in the manner provided in Standing Order 14 (Order of business) but if, during a sitting of the House, a matter suddenly arises which appears to involve the privileges of the House, the proceedings may be interrupted, unless a division is in progress, in order that the matter may be raised and disposed of.

Messages from Governor

29. A Message from the Governor may be presented at any time before the commencement of business and shall be considered forthwith or ordered to be considered at such time as the House may determine, or, if presented by a Member of the Government, at such time as he may appoint.

Statements by Members of Government

30. (1) A Member of the Government who intends to make a statement on a public matter for which the Government is responsible shall inform the Presiding Officer of his intention before the beginning of the sitting at which he wishes to make the statement.

(2) No debate may arise on such a statement but the Presiding Officer may, in his discretion, allow short questions to be put to the Member making the statement for the purpose of clarification.

Personal explanation

31. With the leave of the Presiding Officer, a Member may make a personal explanation although there is no question before the House; but no controversial matter may be included in the explanation nor may debate arise thereupon.

Rules of Debate

Time and manner of speaking

32. (1) A Member desiring to speak may rise in his place and if called upon by the Presiding Officer shall address the Chair. No Member shall speak unless so called upon.

(2) If two or more Members rise at the same time, the Presiding Officer shall call upon the Member who first catches his eye.

(3) When the Presiding Officer rises every Member shall be seated.

(4) A Member shall not read his speech but may refresh his memory by reference to notes and may read extracts of reasonable length from books or papers in support of his argument.

(5) No Member may speak on any question after it has been fully put to the vote by the Presiding Officer, that is after the votes of the ayes and the noes have been collected.

(6) No Member, at any one time, may speak on any debate for any period of time which, exclusive of breaks, exceeds two hours:

Provided that this limitation shall not apply to the Member moving the Second Reading of an Appropriation Bill or Supplementary Appropriation Bill.

Occasions when a Member may speak more than once

33. (1) No Member may, without the leave of the House, speak more than once on any question except -

(a) in Committee; or
(b) in the case of the mover of a motion (but not an amendment), in reply, after all the other Members present have had an opportunity of addressing the House and before the question is put.

(2) A Member may, without prejudice to his right to speak later in a debate, formally second a motion or an amendment by rising in his place and stating that he seconds the motion or amendment.

(3) A Member who has spoken on a question may speak when a new question has been proposed by the Presiding Officer, for instance, as on a proposed amendment or on a motion for an adjournment of the debate.

Interruptions

34. A Member shall not interrupt another Member except -

(a) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall direct attention to the point which he wishes to submit to the Presiding Officer for decision;
(b) to elucidate some matter raised by the Member in the course of his speech, if the Member speaking is willing to give way and resumes his seat and if the Member wishing to interrupt is called by the Presiding Officer; or
(c) by rising to move the closure under Standing Order 38 (Closure of debate).

Content of speeches

35. (1) Reference shall not be made to any matter on which judicial decision is pending in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto.

(2) It is out of order to attempt to revive in any debate a matter or reconsider any specific question upon which the House has come to a conclusion during the current session, except upon a substantive motion of recission.

(3) It is out of order to use offensive or insulting language about other Members.

(4) No Members shall impute improper motives to another Member.

(5) Members shall be referred to by the names of the electoral districts for which they have been elected.

(6) Her Majesty's name shall not be used to influence the House.

(7) The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer, Members, Judges and other persons engaged in the administration of justice or of Officers of the Crown may not be raised or impugned except upon a substantive motion; and in any amendment, question to a Member of the Government or debate on a motion dealing with any other subject any reference to the conduct of any such person is out of order.

Scope of debate

36. (1) Except on a motion for the adjournment of the House the debate shall be relevant to the matter of question before the House or Committee; and where more than one question has been proposed from the Chair the debate shall be relevant to the last question so proposed until it has been disposed of.

(2) Debate upon any motion "That the debate be now adjourned" or "That this House do now adjourn" if moved during any debate, or in Committee upon any motion "That the chairman do report progress and ask leave to sit again", shall be confined to the reasons for adjourning or reporting progress; and a Member who has made or seconded such motion shall not be entitled to move or second any similar motion during the same debate.

Anticipation

37. (1) It is out of order to anticipate a Bill standing on the Order Paper by debate upon a motion dealing with the subject matter thereof.

(2) It is out of order to anticipate a Bill, a motion standing on the Order Paper or any matter of which notice has been given by debate upon an amendment.

(3) In determining whether debate on any matter is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of that matter being brought before the House within a reasonable time.

Closure of debate

38. After a question has been proposed a Member may, at any time during the course of debate, whether or not any other Member is speaking, rise in his place and claim to move "That the question be now put" and, unless it appears to the Presiding Officer that the motion is an abuse of the rules of the House or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith; and if that question is agreed upon, the question being debated by the House shall be put forthwith.

Rules for Members not speaking

39. Members present in the Chamber during a debate shall -

(a) enter and leave with decorum;
(b) not read books, newspapers, letters or other documents unless they relate to the business before the House;
(c) maintain silence while other Members are speaking, and not interrupt except in accordance with Standing Orders; and
(d) in all other respects conduct themselves in a seemly manner.

Enforcement of Order

Responsibility of Presiding Officer for order

40. The Presiding Officer is responsible for the observance of the rules of order in the House and in Committees of the whole House respectively, and his decision upon any point of order shall not be open to appeal and shall not be reviewed by the House save upon a substantive motion made after notice.

Breaches of order

41. (1) The Presiding Officer, after having called the attention of the House, or of a 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 the other Members, may direct the Member to discontinue his speech and to resume his seat.

(2) The Presiding Officer shall order any Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of the day's sitting and may direct such steps to be taken as are necessary to enforce that order.

(3) If a direction to withdraw under paragraph (2) is not complied with at once, or if on any occasion the Presiding Officer thinks that his powers under that paragraph are inadequate, he may name such Member or Members in the manner provided by paragraph (4) or (5).

(4) If a Member shows disregard for the authority of the Chair, or abuses the rules of the House by persistently and wilfully obstructing its business, or otherwise, the Presiding Officer shall direct the attention of the House to the incident, mentioning by name the Member concerned. The Presiding Officer

shall then call upon a Member of the Government to move "That the Honourable Member for..... be suspended from the service of the House", and the Presiding Officer shall forthwith put the question, no seconder being required and no amendment, adjournment or debate being allowed.

(5) If the offence has been committed in a Committee of the whole House, the Chairman shall forthwith suspend the proceedings of the Committee and, as soon as the House has resumed, report the circumstances to the House, and follow the procedure provided by paragraph (4).

(6) If a Member is suspended under any provision hereof, his suspension on the first occasion in any meeting shall continue for one day, on the second occasion for two days and on a third or subsequent occasion for the duration of that meeting and the subsequent meeting.

(7) 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.

(8) A Member who is suspended under paragraphs (4) and (6) or is directed to withdraw under paragraph (2) shall forthwith leave the House and its precincts.

(9) If any Member who has been directed to withdraw or has been suspended under this Standing Order, refuses or neglects to obey the direction of the Presiding Officer in that behalf, the Presiding Officer shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and that Member named by him as having so refused or neglected to obey his direction shall thereupon, without further question put, be suspended from the service of the House during the remainder of the meeting or for ten days, whichever is the longer.

(10) If resort to force is necessary the Presiding Officer may suspend the sitting during the removal of the offending Member.

(11) A Member who is directed to withdraw or who is suspended under this Standing Order shall not be entitled to attend the sitting from which he was directed to withdraw or, in a case of suspension, to attend any sitting or enter the precincts of the House until the termination of his suspension.

(12) On receiving from a Member suspended under this Standing Order a written expression of regret the Presiding Officer shall lay it before the House, and it shall be entered in the minutes of proceedings. On a motion being made for the discharge of the order of suspension the question thereon shall be decided

without amendment or debate. If the question is agreed upon, the order shall be discharged and the Member readmitted.

(13) In the case of grave disorder arising in the House, the Presiding Officer may, if he thinks it necessary, adjourn the House without question put or suspend the sitting for a time named by him.

(14) Nothing in this Standing Order shall be taken to prevent the House from proceeding against any Member for any breach of order not herein specified.

Voting

Decision on questions

42. (1) Save as otherwise provided in the Constitution or in these Standing Orders, all questions proposed for decision in the House or in any Committee shall be decided by a majority of the votes of those present and voting.

(2) The Presiding Officer shall not vote unless, on any question, the votes are equally divided, in which case he shall have and exercise a casting vote.

Methods of voting

43. (1) At the conclusion of a debate upon any question, the Presiding Officer shall put the question for the decision of the House, and shall collect the votes of the ayes and the noes after which no further debate may take place thereupon.

(2) The result shall be declared by the Presiding Officer stating "I think the ayes have it" or "I think the noes have it" as the case may be, but any Member may challenge the opinion of the Chair by claiming a division.

(3) A division shall be taken by the Clerk calling each Member's name and recording the vote given. The Clerk shall then announce the number of those who have voted for and against the proposal and the Presiding Officer shall declare the result of the division.

(4) Every Member present shall express his vote either for the ayes or the noes or state his wish to abstain. The Clerk shall enter in the minutes of proceedings the record of each Member's vote, and shall add a statement of the names of the Members who abstained.

(5) 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 claim is made as soon as the Clerk has announced the numbers and before the Chair has declared the results of the division. Upon such claim being made the Presiding Officer, at his sole discretion, shall either direct the Clerk to alter that Member's vote or direct that a fresh division be held.

Public Bills

Notice of presentation of Bills

44. (1) A Member may, at any time, give notice of his intention to present a Bill.

(2) Notice of a Bill shall be sent to the Clerk together with a copy of the Bill and the memoranda required by Standing Order 45 (Examination of Bills).

(3) If a Bill makes provision for imposing any charges on the resources or other funds of the Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands the notice of the Bill shall be accompanied by a certificate signed by a Member of the Government stating that the Governor's recommendations will be signified on the Bill on Second Reading.

(4) A Member submitting such a Bill for presentation shall be known throughout the subsequent proceedings as the Member in charge of the Bill.

Examination of Bills

45. (1) On receipt of a Bill from the Member in charge of it, the Clerk shall examine it and satisfy himself-

(a) that it is drafted in clauses and Schedules numbered consecutively;
(b) that each clause and Schedule has in the margin a short note summarising its contents;
(c) that the Bill has a title and its provisions do not go beyond the title;
(d) that the Bill is prefaced by a short explanatory statement of its objects;
(e) if a Bill makes provision of the kind specified in paragraph (3) of Standing Order 44 (Notice of presentation of Bills), that it is accompanied by a certificate, signed by the Member in charge of it, stating that the Governor's recommendation will be signified on the Second Reading; and
(f) if the Bill involves the expenditure of public money, that the explanatory memorandum sets out briefly the financial effect of the Bill and, if possible, an estimate of the amount of money involved.

(2) If the Clerk is not satisfied that a Bill complies with the requirements specified in paragraph (1), he shall inform the Presiding Officer who, if he

agrees, shall so inform the Member in charge of the Bill and no further proceedings shall be taken thereupon.

Reading of Bills

46. (1) If a Bill complies with the requirements of Standing Order 45 (Examination of Bills) the Clerk shall cause the text thereof and the explanatory memorandum to be gazetted as soon as possible and shall also send copies of it to reach every Member not less than twenty-one days before it is proposed to be read a first time.

(2) The title of every Bill so gazetted and circulated shall be placed on the Order Paper for first reading on the next sitting day after gazetting and circulation.

(3) Upon the Clerk's reading the title of the Bill, it shall be deemed to be read the first time and ordered to be read a second time and shall be so recorded in the Minutes of Proceedings.

(4) No Bill other than an Appropriation or Supplementary Appropriation Bill shall be read a second time until it has been printed and gazetted.

Bills to be read three times

47. Every Bill shall be read three times before being passed and no Bill may be given more than two readings at any one sitting.

Second Reading

48. (1) The Member moving the Second Reading of a Bill shall state the object of the Bill and reasons for its introduction. When a motion for the Second Reading of a Bill has been made and seconded there may be a debate on the general merits and principles of the Bill.

(2) No amendment may be proposed to the question that the Bill be now read the second time.

(3) When a motion for the Second Reading of a Bill has been negatived no further proceedings shall be taken thereupon.

Committal of Bills

49. (1) When a Bill has been read a second time it shall stand committed to a committee of the whole House, unless the House on motion made refers it to a select committee. Such a motion shall be made immediately after the Bill has been read a second time, and may be moved by any Member.

(2) When a Bill has been referred to a select committee, no further proceedings shall be taken thereupon until the select committee has presented its report to the House.

(3) Whenever an order of the day is read for the House to resolve itself into a committee on a Bill, the Presiding Officer shall leave the chair without question put, and the House shall thereupon resolve itself into such committee.

Function of committee on Bills

50. (1) A committee to which a Bill is referred shall not discuss its general merits and principles but only its details.

(2) A committee may make such amendments and additions to a Bill as are relevant to its subject matter but where a committee desires to make any amendment or addition which is not within the title of the Bill, it shall amend the title accordingly and shall report the fact specially to the House.

Procedure on committee on Bills

51. (1) When a Bill is under consideration in committee the Clerk shall, unless the committee decides to have the Bill read in any other manner, call the several clauses in order, by reading the number of each clause, and shall then refer to the Schedules in order, and then to the preamble if any, and lastly to the title. The Clerk shall place in their proper order any proposed amendments to a clause or Schedule.

(2) If the clause, Schedule, preamble or title, as the case may be, is not amended, the Chairman shall propose the question that this clause (or Schedule, preamble or title, as the case may be), do stand part of the Bill. If the clause (or Schedule, preamble or title, as the case may be), is amended, he shall propose the question "That this clause (or Schedule, preamble or title, as the case may be), as amended, do stand part of the Bill''.

(3) In the case of uncontested clauses, the question may be put not on each clause separately, but on a group of clauses.

(4) The consideration of a clause may be postponed on motion being made, unless the clause has been amended.

Amendments, new clauses and new Schedules

52. (1) On the consideration of a Bill in a committee any Member may move an amendment.

(2) Notice of any amendment, new clause or new Schedule proposed to be moved to the Bill shall be given in writing not later than two days before that on which the Bill is to be considered in committee; and, except with leave of the Chairman, no amendment of which notice has not been given may be moved.

(3) Every amendment shall be relevant to the subject matter of the clause to which it relates.

(4) No amendment may be inconsistent with a previous decision of the committee.

(5) An amendment must not render a clause unintelligible or ungrammatical.

(6) If an amendment refers to, or is not intelligible without, a subsequent amendment or a Schedule, notice of the subsequent amendment or Schedule must be given before or at the time when the first amendment is moved, so as to make the series of amendments intelligible when read together.

(7) The Chairman may refuse to put an amendment which appears to him to be intended to vary the basic substance of a clause if, in his opinion, the proper course is to negative the clause and propose a new one.

(8) New clauses shall be considered after the clauses in the Bill as printed have been disposed of and before consideration of the Schedules. The Chairman shall call on the Member in whose name the new clause stands; and when that Member has moved the clause, the Clerk shall read the marginal note of the clause and the clause shall then be taken to have been read a first time. The question shall then be put "That this clause be read a second time". If this question is agreed upon amendments may be moved, and after these have been disposed of the question shall be "That this clause (or this clause as amended) be added to the Bill as clause No. and that the subsequent clauses be renumbered accordingly".

(9) New Schedules shall be considered after the Schedule in the Bill, as provided and in accordance with the procedure specified for new clauses under paragraph(8).

(10) The provisions of Standing Orders 25 (Amendments to motions) and 27 (Amendment to amendments) shall apply to the discussion of amendments to Bills, with the substitution, where appropriate, throughout of the word "clause" for the word "motion" or the word "question" and the word " Chairman" for the words "Presiding Officer" and the word "Committee" for the word "House".

(11) If any amendment to the title of a Bill is made necessary by an amendment to that Bill, it shall be made at the conclusion of the proceedings detailed above, and no question shall be put "That the title (as amended) stand part of the Bill", nor shall any question be put upon the enacting formula.

Reporting of Bills from committee

53. (1) So soon as a committee of the whole House has agreed that a Bill be reported, the Chairman shall leave the chair of the committee without question put and the House shall resume, and the Member having charge of the Bill shall

report it to the House; or if the committee has not concluded its consideration of the Bill, he shall report that progress has been made therewith.

(2) When a Bill has been reported from a committee of the whole House, the Member in charge of the Bill may either ask for the House to proceed to the third reading forthwith, or may name a later day.

(3) When a Bill has been reported from a select committee, the House shall proceed to consider the Bill as reported from the select committee upon a motion "That the report of the select committee on the…….Bill be adopted" and, if the motion is approved, the Member in charge of the Bill may either ask for the House to proceed to the third reading forthwith or may name a later day.

(4) To the motion "That the report of the select committee on the……..Bill be adopted", an amendment may be moved by any Member either to -

(a) leave out all the words after the word "that" and insert the words "the Bill be recommitted to a committee of the House"; or

(b) add at the end of the question the words "and that the Bill be recommitted to a committee of the whole House in respect of……..(a particular part or parts of a proposed new clause or Schedule),

and if the motion is agreed to with either of these amendments, the Bill shall stand recommitted, and the House shall resolve itself into a committee of the whole House to consider the whole Bill or particular parts of it (or new clauses or Schedules) as the case may be.

(5) A committee of the whole House upon a Bill recommitted under the provisions hereof shall proceed under the provisions of paragraph (2) or (3), as the case may require, of Standing Order 55 (Recommittal of Bills), and the conclusion of its proceedings and the remaining proceedings on the Bill shall be subject to the provisions of paragraph (4) of that Standing Order.

Third Reading

54. On the motion for the third reading of the Bill the question shall be "That the Bill be now read the third time and passed".

Recommittal of Bills

55. (1) If a Member desires to delete or amend any provision contained in a Bill as reported from a committee of the whole House or to introduce any new provision therein, he may, at any time before the question has been proposed upon a motion for the third reading of a Bill, move that the Bill be recommitted, either wholly or in respect only of some particular part or parts of the Bill or

some proposed new clause or new Schedule; and if the motion is agreed upon, the Bill shall stand so recommitted and the House shall resolve itself into a Committee to consider it.

(2) When the whole Bill has been so recommitted the Committee shall go through it as provided in paragraphs (1) to (10) of Standing Order 51 (Procedure in committee on Bills).

(3) When a Bill has been recommitted in respect only of some particular part or parts thereof, or some proposed new clause or new Schedule, the committee shall consider only the matter so recommitted and any amendment which may be moved thereto.

(4) At the conclusion of the proceedings in committee on any Bill under the provisions hereof the Member in charge of the Bill may move "That the Bill (as amended on recommittal) be reported to the House", and the question thereon shall be put without amendment or debate. If that motion is agreed upon, the House shall resume and the Member in charge of the Bill shall report accordingly and the House may then proceed to the third reading, no further motion for recommittal being permitted.

Custody of Bills and assent thereto

56. The Clerk shall have custody of all Bills passed by the House and shall, so soon as may be, present them to the Governor for his assent.

Governor's amendments

57. (1) When, under section 40 of the Constitution, the Governor returns to the House a Bill presented to him for his assent together with amendments which he recommends to the House, that Bill shall be recommitted to a committee for the consideration only of such amendments.

(2) Standing Order 55 (Recommittal of Bills) shall apply to such consideration.

(3) The Bill shall then be resubmitted to the Governor with the amendments made therein or with such of them as the House approves.

Withdrawal of Bills

58. The Member in charge of a Bill may make a motion for its withdrawal, either before the commencement of Government business or when any stage of the Bill is reached in the order of business.

Bills having same subject matter

59. Once the Second Reading of any Bill has been agreed to or negatived, no question shall be proposed during the same session for the Second Reading of any other Bill containing substantially the same provisions.

Private Bills

Scope of private Bills

60. (1) Every Bill not being a Government measure and intended to affect or benefit some particular person, association or corporate body shall contain a clause saving the rights of Her Majesty the Queen, Her Heirs and Successors, all bodies politic and corporate and all others, except such as are mentioned in the Bill and those claiming by, from or under them, and shall be introduced into the House under the provisions hereof and of Standing Orders 61 and 62 (which deal with private Bills).

(2) Any Bill not being a Government measure which, in the opinion of the Presiding Officer, appears directly to affect private rights or property shall be introduced into the House as a private Bill under the provisions hereof.

Presentation to the House

61. (1) A private Bill shall be introduced by a Member only -

(a) on petition from the promoters stating its objects and reasons; and
(b) after notice of the Bill has been given by-
    (i) publication in the Gazette; and
    (ii) three successive publications in newspapers circulating in the Islands of a notice containing a statement of the objects of and reasons for the Bill.

(2) The petition for the Bill shall be presented by being lodged with the Clerk and shall be read at the first sitting of the House after it is so lodged, and, thereupon the Presiding Officer shall put the question that the promoters be allowed to proceed.

Procedure on private Bills

62. (1) When leave to proceed has been granted the promoters shall, within the next ensuing two months, lodge with the Clerk -

(a) two copies of the Bill;
(b) a sum of money sufficient in the opinion of the Clerk, to defray the expenses of printing the Bill or such proportion of such expenses as the Clerk may determine; and
(c) a duly executed bond, satisfactory to the Clerk, for the payment of any additional expenses of such printing,

and the Clerk shall cause the Bill to be printed as soon as possible.

(2) At the first sitting of the House after the Bill has been printed the Presiding Officer, if satisfied that the notice required by paragraph (1) of Standing Order 61 (Presentation to the House) have been published, shall put the question that the Bill be read a first time, upon which no discussion shall be

allowed. After the Bill is read a first time, it shall stand upon the Order Paper for the Second Reading at the next ordinary sitting of the House, and the promoters may propose any such amendments which they think fit; but the Presiding Officer, if he considers such amendments beyond the scope of the Bill, shall report his opinion to the House.

(3) Upon the day ordered for the Second Reading, the Presiding Officer shall, unless the House otherwise orders, propose the question that the Bill be read a second time.

(4) After the Bill has been read a second time, it shall stand referred to a select committee.

(5) Every select committee to which a private Bill is referred shall require proof of the facts and allegations set forth in the Bill as showing that it is expedient that the Bill be passed, and may take such oral or other evidence as it may think requisite and thereafter, if the committee finds that the said facts and allegations are not proved, it shall report to the House accordingly, and thereupon no further proceedings shall be taken upon the Bill, unless the House specially orders to the contrary.

(6) If the select committee finds that the said facts and allegations have been proved it shall consider the several clauses of the Bill, and may strike out clauses, add new clauses and make any other amendments that it may think necessary, and in respect of such new clauses and other amendments that it may think necessary, shall describe their purport in a special report to the House; but no new clauses or amendments shall be allowed which are foreign to the objects or the reasons for the Bill or which are beyond its scope.

(7) No person other than a Member shall be heard in opposition to any private Bill unless he has previously lodged a petition with the Clerk showing the nature of his objections to the Bill, and stating whether his objections extend to the whole or some part of the preamble, if any, or to the clauses of the said Bill, and praying that he may be heard by himself or his counsel against the Bill.

(8) Petitions against a Bill shall be sent to the Clerk not less than eight days before the day on which the select committee sits to consider the petition.

(9) Subject to this Standing Order, petitions against a Bill shall stand referred to the select committee, and the select committee shall hear all such opposers who appear to it to have a *locus standi*.

(10) After the report of the select committee has been presented to and adopted by the House, the Presiding Officer shall put the question, without amendment or debate, that the Bill be read the third time.

(11) As soon as practicable after any private Bill is passed, rejected, dropped or abandoned, the Clerk shall make out and deliver to the promoters an account showing the expenses of printing, and if the amount of the account -

(a) is less than the sum lodged by the promoters under paragraph (5), transfer thereout to the general revenue the amount of the said account and pay the balance to the promoters; or

(b) exceeds the sum so lodged, transfer that sum wholly to the general revenue and, in the event of the promoters failing to pay the balance, instruct the Clerk of the Grand Court to take proceedings to recover the balance.

Financial Procedure

Presentation and Second Reading of Appropriation Bill

63. (1) Any Bill containing the estimated financial requirements for expenditure on all the services of the Government for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of those financial requirements shall be presented in accordance with Standing Order 18 (Presentation of Papers), immediately before the presentation and first reading of the Bill.

(2) On the motion for the Second Reading of an Appropriation Bill, debate shall be confined to the financial and economic state of the Islands and the general principles of Government policy and administration as indicated by the Bill and the estimates.

(3) On presentation to the House, the estimates shall stand referred to the Finance Committee, and on being read a second time the Appropriation Bill shall stand committed to that committee.

Procedure in Finance Committee on Appropriation Bill

64. (1) On the consideration of an appropriation Bill in the Finance Committee the clauses of the Bill shall stand postponed until after consideration of the Schedule or Schedules.

(2) On the consideration of a Schedule each head of expenditure shall be considered with the appropriate estimate, and any reference in these Standing Orders to a sub-head or an item means a sub-head or an item in the estimates for the head then under discussion.

(3) On the consideration of a Schedule, the chairman shall call the title of each head of expenditure in turn, and shall propose the question "That the sum for head …….. stand part of the Schedule" and, unless an amendment is proposed under Standing Order 65, a debate may take place on that question.

(4) 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".

(5) 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.

(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any Schedule. Any such consequential amendment shall be moved by the chairman or any Member of the Government only and may be moved without notice, and the question thereon shall he put forthwith 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.

(7) When the question upon every clause of the Bill has been decided, the chairman shall forthwith put the question "That I do report the Bill (as amended) to the House". When that question has been agreed upon he shall report the Bill to the House with or without amendment, as the case may be, and the reports shall lie upon the Table.

Amendments in Finance Committee on Appropriation Bill

65. (1) Except upon the recommendation of the Governor to be signified by the chairman or any Member of the Government and recorded in the minutes of proceedings, the Finance Committee shall not proceed upon any amendment which, in the opinion of the chairman, increases the sum allotted to any head of expenditure whether in respect of any item or sub-head or of the head itself; and every such amendment shall take the form of a motion "That head …… be increased by $ ……. in respect of sub-head …… item ……." .

(2) An amendment to increase a head whether in respect of any item or sub-head or of the head itself 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.

(3) 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, and shall

take the form of a motion "That head …… be reduced by $ ……. in respect of (or by leaving out sub-head ……. item …… ".

(4) An amendment to reduce a head in respect of any sub-head or by leaving out a sub-head shall only be in order if the sub-head is not itemised.

(5) An amendment to reduce a head without reference to a sub-head therein shall only be in order if the head is not divided into sub-heads.

(6) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

(7) In the case of each head, amendments in respect of items or sub-heads in that head shall be placed on the Order Paper and considered in the order in which the items or sub-heads to which they refer stand in the head.

(8) When notice has been given of two or more amendments to reduce the same item, sub-head or head, they shall be placed on the Order Paper in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(9) Debate on every amendment shall be confined to the item, sub-head or head to which the amendment refers, and after an amendment to an item or sub-head has been disposed of no amendment or debate on a previous item or sub-head shall be permitted.

(10) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of, the chairman shall again propose the question "That the sum for head …….. stand part of the Schedule" or shall propose the amended question "That the increased/reduced sum for head …….. stand part of the Schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under paragraph (3) of Standing Order 64 (Procedure in Finance Committee on an appropriation Bill).

Third reading of Appropriation Bill

66. The motion for third reading of an appropriation Bill shall be decided without amendment or debate.

Supplementary estimates

67. (1) If a Member of the Government presents a paper setting out the financial requirements of any proposals-

(a) for expenditure incurred or likely to be incurred in the course of the current financial year either in respect of a service or of several services for which no provision has been made in the estimates for that year or in respect of further financial provision

beyond the total sum already sanctioned for a particular head or sub-head or for particular heads or sub-heads; or

(b) for expenditure incurred in the course of a previous financial year in excess of the total sum sanctioned for a particular head or sub-head or for particular heads or sub-heads by the estimates or supplementary estimates for that year,

that paper shall stand referred to the Finance Committee.

(2) At any time after a paper has been so referred to the Finance Committee, a Member of the Government may give notice of a motion "That the Finance Committee approves the proposal/proposals set out in the paper'; and such a motion shall be considered in Finance Committee.

(3) To the motion described in paragraph (2), amendments may be moved to add words either leaving out or reducing an item or a sub-head of any particular proposal or, if there be more than one proposal leaving out any particular proposal, but no amendment shall be moved unless notice thereof has been given not less than three clear days before the day on which the motion is to be considered in Committee.

(4) When the motion "That the Finance Committee approves the proposal/proposals set out in the paper", or that motion as amended, has been agreed upon in the Finance Committee, and the report of the Finance Committee is laid on the Table the Member of the Government who moved the motion shall report the motion or the motion as amended in the Finance Committee, and the House shall thereupon be deemed to have agreed to the motion or to the motion as amended, as the case may be.

Supplementary Appropriation Bill

68. If, from time to time, whether in the course of a particular financial year or after its close, a Supplementary Appropriation Bill is presented appropriating only proposals which have been agreed to by the Finance Committee under Standing Order 67 (Supplementary estimates), the debate on the Second Reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed upon the Bill shall not be committed and the question "That the Bill be now read a third time" shall be decided without amendment or debate.

Resolution for the provisional collection of custom duties

2005 Revision

69. Any Member of the Government may, without notice, make a motion for giving provisional statutory effect to any proposals under section 6 of the Public Management and Finance Law (2005 Revision); and the question on such a motion shall be put forthwith.

Select Committees

Appointment and quorum

70. (1) The House may appoint any of its Members to be Members of a select committee to consider and report on a Bill or otherwise to assist it in exercising its function under Part IV of the Constitution.

(2) The Presiding Officer may nominate the chairman of a select committee from among its own Members; if he does not make a nomination, the committee shall elect one of the Members to be chairman.

(3) In the absence of the chairman, the committee shall elect another of its Members to act as chairman.

(4) If for any reason the seat of a Member of a select committee becomes vacant, the House may elect another Member to fill the vacancy on that committee.

Duration of select committees

71. A select committee shall continue in being for the purpose for which it was established (notwithstanding any prorogation of the House during the period beginning on the day on which the select committee is established and ending on the day on which the House is next dissolved thereafter) until the day of that dissolution or (if sooner) the day on which the business of the select committee is finished.

Powers and procedure

72. (1) Every select committee shall have power to send for persons, papers and records.

(2) A select committee shall not have power to delegate any of its functions to its chairman.

(3) In ascertaining whether there is a quorum present the Member in the chair shall not be excluded.

(4) Where there is an equality of votes the chairman shall have a casting vote but he shall not have an original vote.

(5) Subject to any order of the House or resolution of the committee, the sittings of a select committee shall be held in private.

(6) The deliberations of a select committee shall be confined to the matters referred to it by the House, and to any extension or limitation thereof made by the House and, in the case of a select committee on a Bill, to the Bill committed to it and relevant amendments.

(7) The first sitting of a select committee shall be held at such time and place as the chairman or, if the Presiding Officer has not appointed a chairman, the Member with the longest continuous membership of the House, shall appoint. Subsequent sittings shall be held at such time and place as the committee may determine but if the committee fails so to do, the chairman shall, in consultation with the Clerk of the committee, appoint such time and place.

(8) A select committee may sit at any time when the House is adjourned, but except by leave of the House may not sit while the House is sitting.

Witnesses

73. (1) If a committee desires to summon a witness, the chairman shall supply the name, residence and occupation of every such witness to the Clerk at least seven days before his evidence is required. The Clerk shall then, subject to the directions of the Presiding Officer, summon the witness on behalf of the House.

(2) The Committee may, at its discretion, refuse to hear any irrelevant evidence or any recalcitrant witness.

(3) Each witness shall be taken in turn and no two witnesses shall, at the same time, attend a meeting of a select committee, unless they are being examined together.

(4) The proceedings of and the evidence taken before any select committee and any documents presented thereto, and decisions of such a committee, shall not be published by any Member thereof or by any other person until after the committee has presented its report to the House.

Reports

74. (1) Every select committee shall, before the end of the session in which it was appointed, make a report to the House upon matters referred to it and, where a committee finds itself unable to conclude its investigation before the end of the session, it shall so report to the House.

(2) A report of a select committee may contain the opinions and observations of the committee and may be accompanied by the minutes of evidence taken before it.

(3) A select committee may make a special report relating to its power, functions and proceedings on any matter that it thinks fit to bring to the notice of the House.

(4) (a) The chairman of a select committee shall prepare a draft report and submit it for the consideration of the committee.

(b) Any other Member of a select committee may bring up a report for its consideration and all such reports shall be entered in full upon the minutes of proceedings of the committee.

(c) When all the reports have been brought up, the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on any report shall be "That the chairman's (or Mr …… 's) report be read a second time paragraph by paragraph". When this question has been agreed to it shall not be proposed on any further reports, but any portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(d) The committee shall then go through its report paragraph by paragraph and Standing Orders 51 (Procedure in committee on Bills) and 52 (Amendments, new clauses and new Schedules) shall, so far as applicable, apply as if the report were a Bill and the paragraphs thereof the clauses of the Bill.

(e) Upon the conclusion of the consideration of the report paragraph by paragraph and when any proposed new paragraphs have been considered the chairman shall put the question "That this report be the report of the committee to the House".

(f) The report of every select committee shall be signed by the chairman and Members thereof.

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

(h) A Member of a select committee dissenting from the report of a majority of that committee may, by its leave, put in a concise written statement of his reasons for such dissent, and such statement shall be appended to the report.

(5) The report or special report together with a copy of the minutes of proceedings of a select committee shall be presented to the House by the chairman or other Member of the committee acting on his behalf, and shall be recorded in the minutes of proceedings of the House as having been so presented and the chairman or any Member may, forthwith and without notice, move that the recommendations contained therein be adopted, modified or rejected, and if the motion be seconded and unopposed the Presiding Officer may forthwith and without debate put the question thereon.

(6) A motion moved and seconded under paragraph (5) shall, where it is opposed, be deemed to be an original motion of which notice has been duly given.

(7) The minutes of proceedings of a committee shall record -

(a) the names of the Members present each day of the sitting of the committee;
(b) the names of the witnesses examined;
(c) in the event of a division taking place, the question proposed, the names of the proposer and the respective votes thereon of the Members present; and
(d) a copy of the draft report and any alternative draft, and all amendments thereto.

Standing Select Committees

Finance Committee

75. (1) There shall be a standing select committee, to be styled the Finance Committee, for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor.

(2) The Finance Committee shall consist of the Financial Secretary as chairman and all the elected Members.

(3) Subject to Standing Orders 84 and 85, the deliberations of the Finance Committee shall be public.

(4) The quorum of the Finance Committee shall be eight members excluding the chairman.

(5) For the purposes of Standing Order 67, the Financial Secretary may, at any time, whether or not there is a meeting of the House in progress, summon a meeting of the Finance Committee at the earliest possible date or at any other date proposed.

Register of Interests Committee

76. (1) There shall be a standing select committee to be styled the Register of Interests Committee for the consideration of matters relating to the Register of Interests referred to it by the Registrar of Interests.

(2) The Committee shall consist of nine Members including the chairman all of whom shall be nominated by the House at the beginning of a new session following a General Election.

(3) The quorum of the committee shall be five Members including the chairman.

(4) There shall be a Registrar of Interests who shall keep a Register of

Law 13 of 1996

Interests in accordance with the Register of Interests Law, 1996.

Public Accounts Committee

77. (1) There shall be a standing select committee, to be styled the Public Accounts Committee, to consider reports of the Auditor General -

(a) on the accounts of the Government;
(b) on such other accounts required to be laid before the House as the committee may think fit; and
(c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit.

(2) The Public Accounts Committee shall be nominated by the House at the beginning of a new session following a general election and consist of five elected Members. The quorum shall be three Members, including the chairman.

(3) Upon its receipt by the Speaker, a report mentioned in paragraph (1) shall be deemed to have been referred by the House to the Public Accounts Committee for consideration and shall forthwith be distributed to all Members and shall become a public document.

(4) In accordance with Standing Order 72, the Public Accounts Committee may call any public officer or, in the case of a report on the accounts of or relating to a non-Government body or organisation, any member or servant of that body or organisation, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.

(5) The Public Accounts Committee shall make their report upon the report of the Auditor General on the accounts of Government before the Auditor General's report is laid on the Table of the House and both the Committee's report and the Auditor General's report shall be laid at the same time.

(6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.

(7) The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates.

(8) The Auditor General, the Deputy Financial Secretary and the Chief Accountant shall be in attendance when Controlling Officers or other persons are providing information or explanations to the Committee.

(9) Notwithstanding Standing Order 74, the report of the Public Accounts Committee shall be deemed to have been agreed to.

Standing Orders Committee

78. (1) There shall be a standing select committee, to be styled the Standing Orders Committee, to consider, from time to time, generally what changes to Standing Orders are necessary and desirable and particularly to consider any proposed amendments to Standing Orders which are referred to it under paragraph (3) of Standing Order 87.

(2) The Standing Orders Committee shall consist of the whole House with the Chief Secretary as chairman.

(3) The quorum of the Standing Orders Committee shall be seven Members including the chairman.

Other standing select committees

79. The House may appoint other standing select committees as required from among its Members.

Duration

80. (1) The life of a standing select committee shall end with the term of the House that appointed it.

(2) The House may revoke the appointment of a Member to a standing select committee and appoint another Member in his place.

(3) If a member of a standing select committee ceases to be a Member of the House, the House may appoint another Member to fill the vacancy.

(4) A Member of a standing select committee may resign from that committee by tendering his resignation to the Presiding Officer whereupon the House may appoint another Member to fill the vacancy.

Sitting and procedures

81. (1) A standing select committee shall meet and report to the House on its activities at least once a year.

(2) The Standing Orders relating to select committees shall apply to standing select committees unless otherwise specified.

Pecuniary and Professional Interests

Employment of Members in professional capacity

82. No Member shall appear before the House or any committee thereof as counsel or attorney for any party or in any capacity for which he is to receive a fee or reward.

Personal pecuniary interest

83. (1) A Member shall not move any motion or amendment relating to a matter in which he has a direct pecuniary interest or speak on any such matter,

whether in the House or in any committee, without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.

(2) A motion to disallow a Member's vote on the ground of personal pecuniary interest may be moved only as soon as the numbers of the Members voting on the question shall have been declared.

(3) The Presiding Officer shall have discretion whether or not to propose the question upon such a motion, and in exercising such discretion shall have regard to the subject matter 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 belongs separately to him and is not an interest in common with the rest of the citizens of the Islands or whether his vote was given on a matter of public policy.

(4) If the question for disallowing of a Member's vote is agreed upon, the Presiding Officer shall direct the Clerk to correct the record of the numbers voting in the division accordingly.

Admission of Press and Public

Admission of press

84. (1) The Presiding Officer may grant a general permission to the representatives of any journal or newspaper to attend the meetings of the House, and such permission may be granted under such rules as he may make, from time to time, for that purpose. If such rules are contravened, such permission may be revoked.

(2) Any representatives of any journal or newspaper when attending meetings of the House shall sit in the area allotted for the press and shall under no conditions engage any Member in conversation during such sittings.

Admission of public

85. (1) Strangers may be admitted to debates in the House under such rules as the Presiding Officer may, from time to time, make for that purpose.

(2) If, at any sitting of the House, any Member moves that strangers withdraw, the Presiding Officer shall forthwith put the question "That strangers do withdraw" without permitting any debate or amendment.

(3) In the event of disorder in the galleries, the Presiding Officer may order the withdrawal of strangers from the Chamber and its precincts.

(4) Strangers shall withdraw from the Chamber and its precincts when called upon so to do by the Presiding Officer.

Standing Orders

Suspension of Standing Orders

86. Any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present.

Amendment of Standing Orders

87. (1) Unless the Presiding Office otherwise directs, not less than twelve days' notice of a motion to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for the earliest sitting after the expiration of the notice.

(3) When the motion is reached, the mover shall move the motion, and after it has been seconded, the question shall be put forthwith that the motion be referred to the Standing Orders Committee, and if that question is agreed upon no further proceedings shall be taken on that motion until the Committee has reported thereon.

Practice of Parliament

Matters not provided for by Standing Orders

88. (1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.

(2) In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of those Orders shall be deemed to extend to this House or its Members until the House has by Standing Order provided for such restriction.

Mace and Records

Custody of Mace and its records and papers

89. During all times the Mace and the records and papers appertaining to the Mace shall remain in the custody of the Serjeant-at-arms.

SCHEDULE

FORM OF PETITION TO THE HOUSE

TO THE HONOURABLE PRESIDENT AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS.

THE PETITION OF THE UNDERSIGNED
(Here insert-

(a) If there is only one petitioner, name, description and place of residence; or

(b) If there is more than one petitioner, description and place of residence).

RESPECTFULLY SHOWETH -

that

(here set forth the case or circumstances to be brought to the notice of the Assembly)

WHEREOF YOUR PETITIONER (OR PETITIONERS) PRAY THAT YOUR HONOURABLE ASSEMBLY WILL

(here set forth the nature of the relief asked for)

AND YOUR PETITIONER (OR PETITIONERS), AS IN DUTY BOUND, WILL EVER PRAY, ETC.

(signatures to follow)

_____

Publication in revised and consolidated form authorised by the Governor in Cabinet this 30th day of May, 2006.

Carmena Watler
Clerk of Cabinet

(Price $ 10.40)