

NATIONAL COUNCIL OF PROVINCES



Celebrating
20 years
of the Constitution and
20 years since
the establishment of the NCOP

Induction programme: SALGA members
03 & 04 October 2017
Rules of debate in the NCOP
Advocate B Nonyane

Rules of debate in the NCOP

RULES OF DEBATE

- ▶ Welcome
- ▶ Introduction

SOURCES OF PARLIAMENTARY PROCEDURE

- ▶ Constitution, 1996
- ▶ Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act No. 4 of 2004)
- ▶ Mandating Procedure of Provinces Act, 2008 (Act No. 8 of 2008)
- ▶ Financial Management of Parliament Act, 2008 (Act No. 74 of 2008)
- ▶ Rules of the NCOP / NA
- ▶ Joint Rules of Parliament
- ▶ Practice
- ▶ Convention

CALLING OF MEMBERS

- ▶ A member may speak in a debate in the Council / House only when called by the officer presiding.
- ▶ The officer presiding must call members in accordance with *a list of scheduled speakers for the debate; and the times allocated for speeches by members representing different provinces, parties or delegates of SALGA*

MEMBERS TO ADDRESS CHAIR

- ▶ A member must address the Chair when speaking and, if possible, must stand while doing so.

TIME LIMITS FOR SPEECHES

- ▶ Except where these Rules provide otherwise, members may not speak in a debate in the Council/House longer than the time allowed to them in the list of scheduled speakers.

OFFENSIVE AND UNBECOMING LANGUAGE

- ▶ No member may -

Use offensive or unbecoming language in the Council/House; or

Deliberately make a statement in the Council /House which the member knows is false.

REFLECTION UPON PREVIOUS COUNCIL/HOUSE DECISIONS

- ▶ *No member, while addressing the Council/House , may reflect upon any decision of the Council /House taken in the same annual session , except for the purpose of moving that such decision be amended or rescinded.*

REFLECTION UPON THE HONOUR OF A JUDGE / HOLDER OF AN OFFICE

- ▶ *No member, while addressing the Council /House, may reflect upon the honour of a judge, or of the holder of an office whose removal from office is dependent upon a decision of the Council/House, except upon a substantive motion in the Council/House alleging facts which, if true, would in the opinion of the Chairperson of the Council/House warrant the removal of the judge or the holder of that office.*

MATTERS PENDING BEFORE THE COURTS

- ▶ *No member, while addressing the Council/House, may reflect on the merits of any matter on which a judicial decision is pending.*

RULE OF ANTICIPATION

- ▶ *No member, while addressing the Council/House, may anticipate the discussion of a matter appearing on the Order Paper.*
- ▶ *In determining whether an address to the Council /House is out of order on the ground of anticipation, the officer presiding must consider whether it is probable that the matter anticipated will be discussed in the Council/House within a reasonable time.*

EXPLANATIONS

- ▶ *During a debate in the Council/House a member may be allowed to explain a previous speech but only when and to the extent that the speech has been misquoted or misunderstood in a material respect.*
- ▶ *The member giving the explanation may not introduce any new matter.*
- ▶ *No debate on the explanation may be allowed.*

POINTS OF ORDER

- ▶ *When a point of order is raised, the member addressing the Chair must stop speaking and sit down, and after the point of order has been stated the officer presiding may summarily give or reserve the ruling or decision.*

MEMBERS MAY NOT CONVERSE ALOUD

- ▶ *During a debate in the Council/House no member may converse aloud.*

MEMBERS MAY NOT BE INTERRUPTED

- ▶ *No member may interrupt another member who is addressing the Chair, except to call attention to a point of order or a question of privilege.*

PRECEDENCE OF PRESIDING OFFICER

- ▶ *Whenever the officer presiding rises during a debate in the Council/House, a member addressing or seeking to address the Chair must sit down and allow the officer presiding to be heard without interruption.*

IRRELEVANCE / REPETITION

- ▶ *The officer presiding may order a member addressing the Chair to stop speaking if that member, despite warnings from the Chair, persists in irrelevant or repetitive arguments.*

MEMBER ORDERED TO LEAVE

- ▶ *The officer presiding may order a member to leave the Chamber immediately for the remainder of the day's sitting if the officer presiding is of the opinion that-*
- ▶ *The member is deliberately contravening a provision of these rules;*
- ▶ *The member is in contempt or is disregarding the authority of the Chair; or*
- ▶ *The member's conduct is grossly disorderly.*
- ▶ *A member ordered to leave the Chamber may not participate in any parliamentary activities during that day.*

CENSURE OF MEMBER

- ▶ *If an officer presiding is of the opinion that the behavior of a member is so serious a nature that an order to leave the Chamber for the remainder of the day's sitting is inadequate, the officer presiding may order the offending member to leave the precincts of Parliament until the Chairperson of the Council/House has announced what action is to be taken against the member.*

GRAVE DISORDER

- ▶ *In the event of grave disorder at a sitting of the Council/House, the officer presiding may suspend the proceedings or adjourn the sitting.*

ACTING FOR ABSENT MEMBER

- ▶ *If the member in charge of a motion or an order of the day is absent from the Council/House, another member authorized by the absent member may take charge of the motion or order.*

WHEN REPLY ALLOWED

A reply must be allowed to the member :

- ▶ *who introduced a subject for discussion; or*
- ▶ *who is in charge of the order of the day under discussion.*

DEBATE CLOSED

- ▶ *A reply to a debate in the Council/House closes the debate; unless the Officer Presiding allows further discussion.*

Thank you

The background features a series of overlapping, semi-transparent geometric shapes in various shades of orange and brown. These shapes are primarily located on the right side of the frame, creating a dynamic, layered effect. The colors range from light tan to deep, rich browns and oranges. The overall composition is clean and modern, with the text 'Thank you' centered in a large, bold, orange font.