



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

FACT SHEET

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ORDER IN PUBLIC MEETINGS AND RULES OF DEBATE

In terms of Rule 26, the Speaker is responsible for ensuring that the Assembly and its members can do their work as public representatives. In so doing, the Speaker and other office-bearers must maintain the order and decorum of the House, and ensure that the rules are strictly observed. She/he must act fairly and impartially and apply the rules with due regard to ensuring the participation of members of all parties in a manner consistent with democracy. Rule 33 states that the party whips are, inter alia, collectively responsible for the maintenance of order and decorum in the House. Rules 64 – 77 deal with the conduct of members in the House. These rules state that members must, among other things, conduct themselves with dignity and with decorum.

Rule 69 prescribes that members may not engage in disorderly conduct in the House and its forums including –

- Deliberately creating disorder or disruption;
- Repeatedly undermining or interrupting the presiding officer, or refusing to obey rulings;
- Persisting in making serious allegations against a member without following due process;
- Using or threatening violence against a member or another person; or
- Hindering the removal of a member from the House who has been ordered to leave.

If a presiding officer believes a member has contravened the rules, the presiding officer can order the member to leave the Chamber. In terms of Rule 73, if a member refuses to leave the Chamber, the presiding officer must instruct the Serjeant-at-Arms to remove the member. If the Serjeant-at-Arms is unable to effect the removal of the member, the presiding officer may call on the Parliamentary Protection Services to assist. If the member resists, the Serjeant-at-Arms and Protection Services may use such force as may be

reasonably necessary to overcome any resistance. Whenever a member has been removed from the Chamber, the Speaker must refer the circumstances of such removal to a committee established for that purpose.

The rules with regard to debate in the House give the Chair authoritative powers to enforce the rules and practices, and thereby maintain order in the House. The Chair can request a member to withdraw a remark or desist from making certain remarks or engaging in behaviour that contravenes the rules of debate. It should be remembered that the rules relating to order and debate in the House are not meant to curtail freedom of speech. Rather, they serve to guide debate in the context of that freedom in order to allow reasoned and open consideration of public issues, especially controversial ones. Members of the Assembly are thus empowered to give expression to the views of the electorate, but must do so in a manner befitting the dignity of the House, and that allows all to have a voice. This is the purpose of the rules. Debates in the House and committees are



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expected to be robust but must take place in an orderly manner. The rules of debate include the following –

- Rule 78 – when speaking, a member must address and give due respect to the Chair.
- Rules 79 – 81 – a member may only speak when recognized by the presiding officer, either in accordance with the speakers’ list or in the event a member raises a point of order or a question of privilege.

Members may not use offensive, abusive, insulting or unparliamentary words, or make offensive or threatening gestures. In terms of Rule 84, no member may impute improper motives, cast personal reflections or verbally abuse another member. A member who wishes to bring allegations of wrongdoing on the part of another member to the attention of the House, may only do so by way of a substantive motion. These rules also apply to the President and other members of the Executive, but not to references to political parties.

In terms of Rule 88, no member may reflect on the competence or integrity of the holder of a public office (e.g. a judge or commissioner), whose removal from such office is dependent on a decision of the House, except by way of a substantive motion. This rule does not apply to the Executive. Rule 89 provides that no member may reflect upon the merits of any matter on which a judicial decision in a court is pending (Sub judice). In terms of Rule 90, no member may anticipate

the discussion of a matter appearing on the Order Paper, or that has been scheduled for debate within a reasonable time.

Rule 92 states that a member may, at any time, raise a point of order but must do so in accordance with the following prescripts –

- The member must state that she/he is rising on a point of order and commence by referencing the rule in question;
- The member must be succinct, and confine her/himself to the rules;
- No member may raise a point of order for the purpose of disrupting proceedings;
- No member may raise another point of order before the presiding officer has ruled on a preceding point of order; and
- A member may not raise a point of order if the presiding officer has ruled on a similar point.

The Speaker and other presiding officers are mandated to apply and interpret the rules and make rulings whenever necessary. Rulings can be made immediately in the event of a point of order, or deferred for a considered ruling. A ruling by a presiding officer is final and may not be challenged or questioned, and members must comply with rulings. A member who is aggrieved by a ruling may subsequently write to the Speaker to request that the principle of the ruling be referred to the Rules Committee. The Rules Committee, in turn, must confine itself to the principle of the ruling, and not review the specific ruling.