



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

FACT SHEET **8** | MOTIONS

A motion is a proposal by a member or a party that the Assembly do something, order something to be done or express an opinion with regard to some matter. It may, however, also be a proposal that the House discuss a matter. Motions allow members to place on record their opinion on a subject and solicit support for it from fellow members.

Essentially, there are two types of motions.

- **Draft resolution:** Such a motion requires that the House take a decision on a matter. A motion of this nature is moved by a member of the Assembly. Advance notice is normally required either orally or in writing.
- **Subject for discussion:** Such a motion provides an opportunity for the House to debate a particular topic without the House being required, at the end of the debate, to take a decision. A member or party proposing such a motion should identify it as a subject for discussion. A subject for discussion may be in the name of a member or a party.

Both types of motion allow a full discussion, subject to the rules of debate.

Draft resolutions may be further divided into:

1. Motions, which are independent, self-contained proposals concerning a concrete item of business. These are drafted in such a way that, once adopted, it will express a clear and unambiguous decision of the House on a matter that falls within the competence of the House.

2. Formal motions, which are specifically procedural in nature, including motions to amend sitting hours, or to postpone or give precedence to an order of the day. As they normally deal with the business of the House, these motions are usually moved by the Chief Whip of the Majority Party.
3. Motions of censure, unlike no-confidence motions, are meant to show disapproval and do not result in the resignation of ministers or the head of State. A censure motion is a public reprimand, an expression of strong disapproval or harsh criticism and can be introduced by any member.
4. Another form of draft resolution is a motion which, if adopted, has constitutional consequences. Examples are a motion of no confidence in the President/Cabinet, in terms of section 102 of the Constitution, or a motion to dissolve the Assembly before expiry of its term, in terms of section 50 of the Constitution.

The Assembly may amend a draft resolution provided the amendment does not extend the scope of the resolution, or is out of order for any other reason. When an amendment is moved, the member concerned must deliver a signed



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copy of the amendment to the Table. Proposed amendments to draft resolutions must be put in sequence, with the last amendment being put first, unless the presiding officer determines otherwise. No amendment may be proposed to the content of a committee report except in respect of any recommendation made in such a report. Motions and amendments are recorded in the Assembly Minutes.

Draft resolutions should be short and succinct and framed so as to express with as much clarity as possible the distinct opinion or decision of the House. In terms of the Assembly Rules, a draft resolution must conform to certain criteria, which include that it:

- a) must be consistent with the Constitution, the law and the rules;
- b) must deal with only one substantive matter;
- c) must consist of a clear and succinct proposed resolution;
- d) may not contain statements, quotations, arguments or other matters not strictly necessary to make the proposed resolution intelligible;
- e) may not be the same in substance as a draft resolution that has been approved or rejected during the same session;
- f) may not contain unbecoming or offensive expressions;

- g) may not issue an instruction to the Executive; and
- h) should observe the principles of co-operative government (Chapter 3 of the Constitution).

A motion intending to propose a subject for discussion should be limited to matters that members specifically intend should be brought before the Assembly for debate or decision. The wording of a subject for discussion should be limited to identifying the topic and should be clearly established. A topic that is too vague or broad will lead to an unstructured debate.

The subject for discussion must also comply with the relevant guidelines outlined for draft resolutions listed above. All motions are subject to the rules of debate of the House, including the rule on offensive language and the sub judice rule.

Notices of Motion

Members of each party are entitled to give notices of motion in the House when an opportunity is so provided by the Programme Committee. The number of notices of motion on each day and the total time for notices is determined by the Programme Committee. The presiding officers must ensure that there is fair opportunity for all parties to give notices each day. Notice must be given of all motions so that the House can prepare itself



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to take a decision or express an opinion. When giving a notice of motion a member must read it aloud in the House when the presiding officer calls for notices of motion and deliver to the Secretary to Parliament a signed copy of the notice on any parliamentary working day for inclusion on the Order Paper. Notices of motion, whether subjects for discussion or draft resolutions, must also subscribe to specific requirements. For example, they must be limited in scope, deal with only one subject etc.

Motions without notice follow a party sequence but no motion may take longer than 90 seconds to be read. Motions without notice must subscribe to strict criteria and must be submitted to the Secretary to the National Assembly before 10:00 on the day the motion is to be moved.

Motions without Notice

Every motion requires notice except:

- an amendment to a draft resolution before the House;
- for the postponement or discharge of an order of the day;
- a resolution on a committee report, moved by the Chief Whip of the Majority Party with the permission of the presiding officer; and
- when notice is dispensed with subject to specified conditions.