



## THE ANGUILLA HOUSE OF ASSEMBLY

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### RESOLUTION

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**MOTION No: 12/2021**


**ANGUILLA CONSTITUTION ORDER 1982 (S.I. 1982 NO.334)**

**HOUSE OF ASSEMBLY (PROCEDURE) RULES, 2021**

Local Statutory Instruments of Anguilla No.: 2/2021

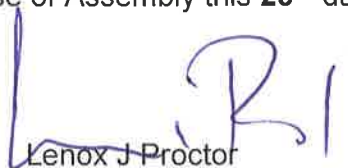
**BE IT RESOLVED** that in accordance with section 49 of the Anguilla Constitution Order, 1982 the House of Assembly has made the House of Assembly (Procedure) Rules, 2021; and

**ORDERS** that the same Rules be forwarded to Her Excellency the Governor for approval.



Barbara Webster-Bourne  
*Speaker*

Approved by the House of Assembly this **23<sup>rd</sup>** day of **July** 2021.



Lenox J Proctor  
*Clerk of the House of Assembly*

**Local Statutory Instruments of Anguilla: 2/2021**Gazette Dated: 30<sup>th</sup> July, 2021

ANGUILLA CONSTITUTION ORDER 1982 (S.I. 1982 NO. 334)

**HOUSE OF ASSEMBLY (PROCEDURE) RULES, 2021**

Rules of proceedings for the regulation and orderly conduct of the proceedings of the House of Assembly made by the Governor under section 49 of the Constitution of Anguilla.

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**Citation**

1. These Rules may be cited as the House of Assembly (Procedure) Rules, 2021.

**Interpretation**

2. In these Rules—

“Assembly” means the House of Assembly;

“Chair” means the Chair of a Select Committee or of a Committee of the whole Assembly;

“Clerk” means the Clerk of the House of Assembly or persons appointed on the express authority of the Clerk to perform specific functions to facilitate the work of the Assembly;

“committee” means a committee of the whole Assembly or a standing or select committee of the Assembly;

“day” means any day except Saturdays, Sundays and public holidays;

“Member” means any Member of the House of Assembly;

“non-Member” means any person other than a Member or an officer of the Assembly;

“officer of the Assembly” means the Clerk or any other officer or person acting within the precincts of the Assembly under the orders of the Speaker, and includes any police officer on duty within the precincts of the Assembly;

“precincts of the Assembly” means the offices of the Assembly and the galleries and places provided for the use or accommodation of non-Members, members of the public and representatives of the press and includes, while the Assembly is sitting and subject to any exceptions made by direction of the Speaker, the entire building in which the Chamber of the Assembly is situated and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to the building and used or provided for the purposes of the Assembly; and

“Speaker” means the Speaker of the House of Assembly.

**FIRST MEETING OF THE ASSEMBLY****Procedure for election of Speaker**

3. (1) Whenever it is necessary to elect a new Speaker, the Chair shall be taken by the Clerk for the proceedings.

(2) Any Member may nominate a person as Speaker in accordance with section 50 of the Constitution and move that that person takes the Chair of the Assembly as Speaker.

(3) A nomination referred to in sub-Rule (2) shall be made three days before a Speaker is scheduled to be elected.

(4) Where only one person is nominated, the occupant of the Chair, having ascertained that that person is willing to serve as Speaker, declares that person shall be elected as Speaker.

(5) Where more than one person is nominated, the Assembly shall elect the Speaker by secret ballot.

**Procedure for election of Deputy Speaker**

4. Whenever it is necessary to elect a new Deputy Speaker, the procedure is the same as for the election of the Speaker, except that the Speaker takes the Chair.

**Administration of Oath**

5. (1) Immediately after the election of the Speaker, the Clerk shall administer the Oath to the Speaker.

(2) The Speaker shall, after taking the Oath, assume the Chair and preside over the election of the Deputy Speaker.

(3) Subject to sub-Rules (1) and (2), the Speaker shall then administer the Oath to the remaining Members of the Assembly.

**Assembly Committees**

6. At its second meeting, the Assembly shall appoint the Chair and Members of the Standing Committees.

**MEETINGS****Notice of Meetings**

7. (1) The Assembly shall meet on such days as the Speaker shall determine.

(2) The Clerk of the Assembly shall provide each Member with notice of a meeting scheduled by the Speaker not less than five days before the date of a meeting.

(3) Notwithstanding Rule 7(1), in the case of an emergency, the definition of which the Speaker shall be the sole judge, a meeting may be summoned on such short notice as the Speaker may determine, and notice may be given to Members by such means as the urgency of the case permits.

(4) The ordinary sitting day of the Assembly when it is in session shall be both the second and fourth Tuesdays of each month during the year, but the Assembly may adjourn over any Tuesday, or any number of consecutive Tuesdays, or sit on any other day.

(5) The hour of the meeting shall be 10 o'clock in the morning unless some other hour shall have been fixed by the Speaker.

(6) Where the Assembly has adjourned to a specified date, no further notice shall be necessary.

**Adjournment**

8. (1) A Meeting of the Assembly may be adjourned at any time by the Speaker, or by a vote of the majority of the Members present.

(2) The Speaker may at any time suspend a meeting.

(3) All matters under discussion and business not disposed of at the time of any adjournment shall stand as an Order of the Day for the next meeting of the Assembly.

**Earlier meeting of the Assembly in certain circumstances**

9. Where the Assembly stands adjourned and it is represented to the Speaker by the Government that the public interest requires the Assembly to meet at a time or date earlier than that to which the Assembly stands adjourned, the Speaker, if satisfied that the public interest does so require, may give notice of an

appointed time for the Assembly to meet, and the Assembly shall accordingly meet at the time stated in such notice.

### **Absence of Members**

**10.** (1) Any Member unable to attend a meeting or meetings of the Assembly to which they have been summoned shall provide the Speaker with an explanation in writing for their non-attendance.

(2) No Member shall leave the Assembly or a Committee of the Assembly except with the consent of the Speaker or of the Chair of the Committee.

(3) In accordance with section 38(b) of the Constitution, any Member who fails to attend three consecutive Assembly sittings without prior notice to the Governor, shall forfeit their Membership of the Assembly.

### **Quorum**

**11.** (1) In accordance with section 52 of the Constitution, a quorum of the Assembly shall be established where the following are in attendance—

- (a) the person presiding; and
- (b) two-thirds of the Members of the Assembly.

(2) Where, at any sitting of the Assembly, a quorum is not present, any member of the Assembly who is present may—

- (a) bring to the attention of the person presiding of the absence of a quorum; and
- (b) object to the transaction of business.

(3) Where after 30 minutes, the person presiding at the sitting ascertains that a quorum is still not present, he or she shall adjourn the Assembly without question put.

### **Sessions**

**12.** (1) In accordance with section 62(2) of the Constitution, there shall be at least one session of the Assembly in every year.

(2) There shall be an interval of less than 12 months between the last sitting in one session and the first sitting in the next session.

### **Opening Address**

**13.** (1) At the start of each session, the Premier shall move a non-substantive motion that the Assembly has considered the Government's legislative programme.

(2) The Premier's speech in support of the motion referred to in Rule 13(1) shall be known as the Opening Address.

(3) The Leader of the Opposition may reply to the Opening Address.

(4) The Speaker shall invite the Premier to respond to the Leader of the Opposition's reply before closing.

**Order Book**

**14.** (1) The Clerk shall keep an Order Book in which he or she shall enter and number in succession the subjects intended to be brought under discussion at each meeting.

(2) The Order Book shall be open to the inspection of Members at all reasonable hours.

**Minutes of proceedings**

**15.** (1) The Clerk shall keep the Minutes of the proceedings of—

(a) the Assembly; and

(b) the Committees of the whole Assembly;

and shall circulate to Members a copy of such Minutes as soon as practicable after the conclusion of each meeting.

(2) The Minutes shall consist of particulars of the proceedings, and shall record—

(a) the names of all Members present at the meeting of the Assembly and in case any other Member shall take his or her seat subsequently at such meeting or shall leave the Assembly before the rising of the Assembly, the Clerk shall accordingly note this fact; and

(b) all decisions of the Assembly, whether made formally or informally.

**Business Paper**

**16.** The Clerk shall send to each Member at least two days before each meeting, a copy of the Business Paper for that meeting, unless the Assembly shall have adjourned for a period of less than three days.

**Attendance of Clerk upon Select Committee**

**17.** The Clerk shall attend upon any Select Committee of the Assembly if required to do so.

**Custody of Papers**

**18.** The Clerk shall be responsible for the custody of the votes, records, Bills and other documents laid before the Assembly, which shall be open to inspection by Members of the Assembly at all reasonable times, and by other persons under such arrangements as may be sanctioned by the Speaker.

**ORDER OF BUSINESS****Order of Business**

**19.** (1) Unless the Assembly shall otherwise direct the Order of Business shall be as follows—

(a) Prayers;

(b) Confirmation of Minutes;

(c) Oath of Allegiance by new Members;

(d) Announcements by direction of the Speaker;

(e) Questions;



- (f) Government statements on recent developments;
- (g) Papers;
- (h) Reports from Committees;
- (i) Petitions;
- (j) Government Notices;
- (k) Private Members' Notices;
- (l) Motions;
- (m) Personal explanations;
- (n) Other Business—
  - (i) Government Business,
  - (ii) Private Members' Bills,
  - (iii) Private Bills, and
  - (iv) Other Orders of the Day; and
- (o) Adjournment.

#### **Confirmation of Minutes**

**20.** Prayers shall be said, after which the Clerk shall read the Minutes of the previous meeting, unless such Minutes have been previously circulated. The Speaker shall put the question that the Minutes as read or as circulated be confirmed. No debate shall be subsequently allowed except as to any proposed amendment or as to the accuracy of the Minutes.

#### **Adjournment on matter of urgent public importance**

**21.** (1) A motion for the adjournment of the Assembly shall not be made until Other Business has been entered upon, except it be made on behalf of the Government, or unless a Member asks leave to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance.

(2) Such motion shall not be made unless the—

- (a) Speaker is satisfied that—
  - (i) the motion does not anticipate a matter which has been previously appointed for consideration by the Assembly or with reference to which a notice of motion has previously been given,
  - (ii) no opportunity for the discussion of the question raised by the motion will arise in the ordinary course of the meeting; and
- (b) leave of the majority of the Assembly be obtained for the motion.

(3) Where the Speaker is satisfied that the motion may properly be made, and the leave of the Assembly in that behalf is granted, the motion shall be considered immediately.

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

## QUESTIONS

**Question to Members**

22. (1) Questions may be put to Ministers or to official Members relative to—

- (a) public affairs with which they are officially connected;
- (b) proceedings pending in the Assembly; or
- (c) any matters of administration for which such Members are responsible.

(2) Questions may also be put to other Members, relating to a Bill, Motion or other public matter connected with the business of the Assembly for which such Members are responsible.

**Form of Questions**

23. (1) A question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases.

(2) A question shall not include the names of persons, or statements, not strictly necessary to render the question intelligible, nor contain charges which the Member who asks the question is not prepared to substantiate.

(3) A question must not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case, or the answer to a hypothetical proposition.

(4) A question must not refer to any debate that has occurred or answer that has been given in the current session, nor should a question fully answered be asked again during the same session.

(5) A question must not be asked about proceedings in Committee which have not been placed before the Assembly by a report of the Committee.

(6) A question may not be asked as to the character or conduct of any person except in his or her official or public capacity.

(7) A question reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion may not be asked.

(8) A question making or implying a charge of a personal character may be disallowed.

**Replies**

24. (1) A written reply to each question shall be read by the Member to whom the question is put, and a copy of the reply shall be handed to the Member putting the question.

(2) A reply shall be confined to the points contained in the question, with such explanation only as will render the reply intelligible; and may with the consent of the Assembly be taken as read.

**Supplementary Questions**

25. The reply to any question shall be conclusive and no speech or debate on the reply shall be allowed, but any Member may, with the permission of the Speaker, put a supplementary question for the purpose of further elucidating any matter of fact not made clear to him or her by the reply; but a supplementary question must not be used to introduce matter not included in the original question.

**Disallowance of Questions**

**26.** The Speaker shall be the sole judge of the propriety or admissibility of a question and he or she may disallow any question which in his or her opinion is an abuse of the right to ask questions.

**GOVERNMENT STATEMENTS ON RECENT DEVELOPMENTS****Government statements on recent developments**

**27.** (1) Where a Minister wishes to make a statement or announcement on government policy he or she shall seek leave of the Speaker to do so.

(2) The Minister referred to in sub-Rule (1) shall—

- (a) provide notice to the Speaker of his or her impending statement or announcement;
- (b) present to the Speaker the precise contents of the proposed statement or announcement.

(3) Before the Speaker grants leave under this Rule, he or she shall verify with the Premier that the proposed statement or announcement is solely in relation to government policy.

(4) Where the Speaker is not satisfied that the statement or announcement is solely in relation to government policy he or she shall refuse leave to the Minister.

(5) No more than five questions shall be put in relation to the statement made by a Minister under this Rule.

**PAPERS****Presentation of papers**

**28.** (1) All papers shall be presented by any Minister or Member and their presentation shall be entered upon the Minutes.

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

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

(4) All Rules and Orders made by the Governor in Executive Council under the authority of an Act which do not require the approval of the Assembly shall be laid on the Table as soon as possible after being made.

**REPORTS BY COMMITTEES****Presentation of Committee reports**

**29.** The report of any Committee shall be presented by the Chair or a Member of that Committee who is a Member of the Assembly, and thereafter the provisions of Rule 28(2) and (3) shall apply as if the report had been a paper presented under Rule 28(1).

**PETITIONS****Form of Petition**

**30.** Every petition intended to be presented to the Assembly must—

- (a) be addressed to the Assembly;

- (b) conclude with a request setting forth the general object of the petitioners;
- (c) bear the signatures of the petitioners, or their marks duly witnessed; and
- (d) be endorsed by the person presenting the same to the effect that in their opinion it is properly and respectfully worded.

### **Presentation of Petition**

**31.** (1) A petition must be presented by a Member who shall be responsible for compliance with the requirements of Rule 30.

(2) A Member may not present a petition on his or her own behalf.

(3) The Member presenting a petition may state concisely the purport of the petition, and may move that the petition be Tabled or be read or printed or referred to a Select Committee, and any such motion shall specify the number of Members which shall form a quorum of the Committee.

(4) No debate shall be permitted on such a motion nor shall any other Member speak upon or in relation to such a petition except to second such motion formally.

(5) When any petition is referred to a Select Committee, individuals whose rights are peculiarly affected by any proposed action or legislation to which the petition relates may be heard by the Committee or, at its discretion, by Counsel.

### **NOTICES**

#### **Notice of Questions and Motions**

**32.** (1) No Member shall ask a question or make a motion unless they shall have given notice in writing of such question or motion either at some previous sitting of the Assembly, or to the Clerk not less than three days prior to the hour of sitting of the Assembly at which such question is to be asked or motion to be made.

(2) Notwithstanding sub-Rule (1), the Speaker may allow a question to be asked without notice if it is of an urgent character.

#### **Notice of Bills**

**33.** A printed copy of every Bill shall, in so far as possible, be sent to each Member at least two days before it is proposed to be read a first time.

#### **Notice of Petition**

**34.** A copy of any petition shall be sent to the Clerk at least two days before its presentation.

#### **Motions without Notice**

**35.** The following motions may be made without notice—

- (a) a motion for the confirmation or amendment of the minutes of the Assembly, or for the adoption, modification or rejection of the report of any Committee;
- (b) a motion that a petition or other paper do lie on the table or be printed or be rejected;
- (c) a motion for the reference of any matter to a Committee;
- (d) a motion made when the Assembly is in Committee;

- (e) a motion by way of amendment to any motion being debated in the Assembly;
- (f) a motion for the adjournment of the Assembly or of any debate;
- (g) a motion for the withdrawal of a Bill;
- (h) a motion for the withdrawal of non-Members;
- (i) a motion relating to a matter of privilege;
- (j) a motion for the suspension of a Member;
- (k) a motion for the suspension of the Rules of Procedure of the Assembly; or
- (l) a motion that the question be now put.

### MOTIONS

#### **Power to move**

**36.** (1) Every Member upon due notice being given may propose any motion except that a motion which imposes a tax or disposes of or charges any part of the public revenue or which revokes or varies any disposition or charge can only be proposed with the consent of the Governor.

(2) No motion the object or effect of which may be to suspend the Rules of Procedure of the Assembly shall be proposed except by or with the consent of the Speaker or presiding officer.

#### **Withdrawal of motions**

**37.** A motion may be withdrawn with the leave of the Assembly, but if so withdrawn may be made again at some other meeting of the Assembly.

#### **Re-introduction of motions**

**38.** No motion shall be proposed which is the same in substance as any motion which during the previous six months shall have been resolved in the affirmative or negative.

### AMENDMENTS

#### **Rules on Amendments**

**39.** (1) The Speaker may require the mover of an amendment which has been seconded to put the amendment into writing and deliver it to the Clerk.

(2) An amendment must be relevant to the question to which it is proposed.

(3) An amendment must not raise any question which can be raised only by a distinct motion after notice.

(4) After a decision has been given on an amendment to any part of a question an earlier part cannot be amended.

(5) Where an amendment of any part of a question has been proposed, an earlier part cannot be amended unless the amendment so proposed is withdrawn.

(6) An amendment to a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or matter.

(7) An amendment must not be substantially identical with an amendment moved by another Member.

(8) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.

(9) An amendment may be moved to any amendment.

#### **Order in which amendments are taken on question being put**

**40.** When an amendment to a question shall have been submitted, and when more amendments than one shall have been submitted, the Speaker at the close of the debate shall put the question for the decision of the Assembly in this way: "That the words of the question stand as in the original motion," which, if it be decided in the affirmative, will cause all amendments to fall.

The Speaker shall then put the original motion to be affirmed or negated. Where the first question, which would preclude all amendments, is negated, then, in case only one amendment shall have been proposed and seconded, the Speaker shall put the question as it was proposed to be amended.

Where more than one amendment has been proposed and seconded, the Speaker shall put the questions of amendment *seriatim* and in the inverse order of their having been proposed. When any one amendment is affirmed, all other amendments shall be thereby negated, and the Speaker shall then put the motion, as so amended, to be affirmed or negated.

#### **Admissibility**

**41.** The Speaker shall be the sole judge of the admissibility of any amendment.

### **PUBLIC BILL PROCEDURE**

#### **Introduction and first reading**

**42.** (1) Any Member may move for leave to introduce a Bill of which he or she has given notice.

(2) The Bill referred to in sub-Rule (1) may be a Government Bill, Private Bill or a Private Members' Bill.

(3) Where a Member moves a motion opposing the introduction of a Bill, the Speaker, after permitting, if he or she thinks fit, a brief explanatory statement from the Member who seeks to introduce the Bill and from the Member who opposes its introduction, may, without further debate, put the question thereon.

(4) Where leave to introduce the Bill is granted, the Clerk shall read aloud the long title of the Bill and in the Minutes, record the Bill as having been read a first time.

(5) The Assembly shall then order the Bill referred to in sub-Rule (4) to be printed.

#### **Publication of Bills**

**43.** After having been read a first time a Bill shall, if it has not already been published in the *Gazette*, be so published whenever such publication is practicable.

#### **Suspension of rules of procedure for further reading of Bill**

**44.** Every Bill shall be read three times prior to being passed, and no Bill shall pass through more than two readings at any one sitting, unless this Rule shall have been formally suspended for the purpose.

**Second reading**

**45.** The Member moving the second reading of a Bill shall state the object of the Bill and the reasons for its introduction. When a motion for the second reading of a Bill has been made and seconded there may be a debate upon the general merits and principles of the Bill; and where such motion is carried, the Bill shall stand referred to a Committee of the whole Assembly to consider the Bill clause by clause, and amend it as may be deemed necessary, unless at this stage of the proceedings the Assembly decides that the Bill shall be referred to a Select Committee.

**Procedure in Committee**

**46.** (1) When a Bill is under consideration in Committee unless the Committee decides to have the Bill read in any other manner the Clerk shall call the several clauses in order, by reading the number of each clause and shall then refer to the schedules, if any, in order, next the preamble if any, and lastly the title.

If it is proposed to move any amendment on a clause or schedule when called, the Clerk shall put them in their proper order.

If the clause (or schedule or the preamble or the title, as the case may be) is not amended, the Speaker shall without motion put the question "That this clause (or this schedule or the preamble or the title, as the case may be) do stand part of the Bill." If the clause (or the schedule or the preamble or the title, as the case may be) is amended, they shall put the question "That this clause (or this schedule or the preamble or the title, as the case may be) as amended, do stand part of the Bill."

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

(2) In settling a Bill in Committee any Member may move an amendment or, without making a formal motion, may suggest an amendment, or may ask for information respecting any part of the Bill or any proposed amendment.

(3) An amendment referred to in sub-Rule (2) must—

- (a) be relevant to the subject matter of the Bill, and to the subject matter of the clause to which it relates;
- (b) not be inconsistent with any previous decision of the Committee; and
- (c) not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

(4) Where 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 when the first amendment is moved so as to make the series of amendments intelligible as a whole.

(5) An amendment which proposes to meet the whole substance of a clause for the purpose of inserting different provisions will as a general rule be irregular. The proper course will be to negative the clause and propose a new one in its place.

(6) The Speaker or presiding officer may refuse to put an amendment which is in their opinion frivolous.

(7) A Bill may be referred to a Select Committee at any time after it shall have passed its second reading.

(8) When a Bill has been referred to, and reported on, by a Select Committee and it is certified by the Chair of such a Committee that such Bill has been considered clause by clause in the presence of a quorum of the Members of such Committee at least, and that in the opinion of the Committee such Bill may



be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the whole Assembly, such a Bill may be dealt with accordingly if no Members object, but if any Member objects the Bill shall be dealt with in the usual manner.

(9) The consideration of a clause may, on motion made, be postponed, but the motion may not be made after the clause has been amended.

(10) New clauses shall be considered after the clauses in the Bill as printed have been disposed of and before the consideration of the schedules, if any. Notice of a proposed new clause shall be given prior to the sitting unless the Chair considers that such notice may be dispensed with. The Chair shall call on the Member in whose name the new clause stands, and if that Member moves the Clerk shall read the marginal note of the clause and it 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 be agreed to amendments may be moved, and after these (if any) have been disposed of the question shall be "That this clause (or that this clause as amended) be added to the Bill as clause No. and that the subsequent clauses be renumbered accordingly."

(11) When a Bill shall have been settled in Committee the Assembly shall resume without question put; and the Member having charge of the Bill shall thereupon report to the Assembly that the Bill has passed through the committee stage, with or without amendments, as the case may be, or that progress has been made therewith.

### **Recommittal of Bill**

47. (1) Where, on the third reading of a Bill, any Member desires to amend or delete any provision contained in the Bill or to introduce any new provision, he or she may move that the Bill be re-committed, and, if the motion be carried, the Assembly shall resolve itself into Committee and any alteration proposed may be discussed. The Assembly may then resume and the Bill be read a third time.

(2) Verbal amendments may be made prior to the Bill being read a third time without the Bill being recommitted.

### **Governor's amendments**

48. When the Governor recommends that amendments be made to a Bill passed by the Assembly before the Bill becomes law, such a Bill shall be recommitted for the consideration only of the amendments proposed. The Bill shall be re-submitted to the Governor with the amendments made therein, or with such of them as the Assembly shall approve.

### **Third reading**

49. Subject to the provisions of Rule 46(11) on the resumption of the Assembly on the conclusion of the Committee stage, a Bill may, on motion made, be read for the third time, either immediately if no Member objects or at some subsequent sitting. When the motion for the third reading of the Bill is to be put the question shall be "That the Bill be now read a third time and passed".

### **Title only to be read**

50. On the first and third readings of a Bill the Clerk shall read only the title.

### **Assent**

51. (1) In accordance with sections 56 and 57 of the Constitution, a Bill shall not become a law until—

- (a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of Her assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified Her assent by Proclamation.

(2) The Governor may return to the Assembly any Bill presented to them for assent, transmitting therewith any amendment which they may recommend, and the Assembly shall deal with such recommendation.

### **Withdrawal of Bills**

**52.** The Member in charge of a Bill standing on the Order Book may make a motion without notice for its withdrawal either before the commencement of Other Business or on the Order of the Day for any stage of the Bill being read.

### **Bills on the same subject matter**

**53.** More than one Bill on the same subject matter may be introduced but, when the second reading of a Bill has been agreed to or negatived, the question shall not be proposed for the second reading of another Bill on the same subject matter during the same session. On the Order of the Day relating to such a Bill being read, the Speaker shall direct that the Bill be withdrawn.

## PERSONAL EXPLANATIONS

### **Personal explanations**

**54.** (1) Where a Member desires to make a personal explanation during a scheduled meeting of the Assembly he or she shall—

(a) seek leave of the Speaker; and

(b) present to the Speaker the precise contents of the proposed statement;

in advance of the meeting.

(2) Where a Member is granted leave by the Speaker to make a personal explanation, he or she shall not depart from the contents of the proposed statement referred to in sub-Rule (1)(b).

(3) There shall be no debate or any other comment in response to the explanation made by the Member referred to in sub-Rule (2).

(4) Notwithstanding sub-Rule (3), where another Member is involved in the personal statement made in sub-Rule (2), the Speaker may allow that Member to give his or her own view of the matter and to say whether he or she accepts it or not.

(5) Where a Member is allowed to give his or her own view under sub-Rule (4), he or she shall not depart from the contents of the proposed statement referred to in sub-Rule (1)(b).

## OTHER BUSINESS

### **Other Business**

**55.** (1) Unless the Assembly shall otherwise direct, the order of Other Business shall be as follows—

(a) Government Business;

(b) Private Members' Bills;

(c) Private Bills; and

(d) Other Orders of the day.

(2) Government Business shall be set down in such order as the Government think fit.

(3) Other matters shall be submitted to the Assembly in the order in which they stand in the Order Book.

## RULES OF DEBATE

### **Mode of addressing the Assembly**

**56.** (1) A Member desiring to speak shall rise in his or her place and address his or her observations to the Speaker or Chair whether the Assembly be in Committee or not.

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

(3) A Member shall not read his or her speech, but he or she may read extracts from written or printed papers in support of his or her argument, and he or she may refresh his or her memory by reference to notes.

(4) A Member must confine his or her observations to the subject under discussion.

(5) A Member while speaking on a question must not—

- (a) refer to any matter on which a judicial decision is pending, in such a way as may prejudice the interests of the parties thereto;
- (b) impute improper motives to any other Member;
- (c) use the Queen's name for the purpose of influencing the debate;
- (d) utter treasonable or seditious words or use the Queen's name irreverently; or
- (e) use his or her right of speech for the purpose of obstructing the business of the Assembly.

### **Reference to other Members**

**57.** (1) Any Member who in discussing any motion wishes to allude to the speech or the opinion of any other Member shall, if possible, avoid referring to such other Member by name.

(2) Official Members shall be described by reference to their official designations; elected Members by reference to the electoral districts which they represent, or where an electoral district is represented by more than one Member, by reference to the order of precedence as between such Members.

(3) Notwithstanding sub-Rule (1), Single Island Wide Electoral District Members may be described by reference to their name.

### **Reflections upon the Crown or upon certain persons in authority**

**58.** The conduct of Her Majesty, Members of the Royal Family, the Governor, Speaker or Members of the Assembly, and Judges and other persons engaged in the administration of justice shall not be raised except upon a substantive motion; and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of those persons shall be out of order.

### **How often Members may speak**

**59.** (1) No Member shall speak more than once to a motion except—

- (a) the mover of an original motion shall have the right of reply after all Members who desire to speak shall have spoken but the mover of an amendment shall not have any right to reply;

- (b) any Member who may second an original motion in the formal words “I second this motion” and no others, may reserve his or her speech until later in the debate; or
- (c) when the Assembly is in Committee.

(2) A Member may speak on the question before the Assembly and upon any amendment proposed thereto.

#### **Motion or amendment to be seconded**

**60.** After the mover of any motion or any amendment has spoken in support thereof, no debate shall be allowed until the motion or amendment has been duly seconded, unless the Assembly is in Committee when a motion or amendment may be put without being seconded.

#### **Interruptions**

**61.** No Member shall interrupt another Member who is speaking except by rising to a point of order. A Member rising to a point of order shall simply direct attention to the point complained of, specifically the Rule of the House of Assembly that in the opinion of the Member is being breached and submit to the Speaker his or her decision.

#### **Relevancy**

**62.** (1) Debate must be relevant to the matter or question before the Assembly or Committee, and where more than one question has been proposed from the Chair the debate must be relevant to the last question so proposed, until it has been disposed of.

(2) The Speaker after having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or in tedious repetition either of their own argument or of the arguments used by other Members in debate may direct the Member to discontinue his or her speech.

#### **Closure**

**63.** (1) After a question has been proposed, a Member rising in his or her place may claim to move, “That the question be now put,” and unless it appears to the Speaker that the motion is an abuse of the rules of the Assembly, or an infringement of the rights of the minority, the question “That the question be now put,” must be put immediately.

(2) When the motion, “That the question be now put,” has been carried and the consequent question has been decided, any further motion may be made which may be requisite to bring to a decision any question already proposed from the Chair.

(3) The motion referred to in sub-Rule (2) shall only be made with the assent of the Speaker.

(4) When a clause is under consideration a motion may be made, on assent of the Speaker, that the question that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of or be added to the Bill, be now put.

(5) Every motion made under this rule must be put immediately and decided without amendment or debate.

#### **Allocation of time for debate**

**64.** Before or when a Member rises to move a question which stands in their name, the Speaker, with the consent of the majority of the Assembly may fix the total time to be occupied in the debate thereon, and may adjourn the debate from time to time as he or she may think fit.

**Procedure on question being put**

65. After the question has been put by the Speaker no further discussion shall be allowed.

**Responsibility for order**

66. It shall be the duty of the Speaker, on his or her own motion, to preserve order and to enforce all Rules; and when the Speaker addresses the Assembly any Member speaking shall immediately resume his or her seat.

**Oral declaration of an interest**

67. Before participating in consideration of a question in either the Assembly or Committee, a Member shall first declare any relevant financial interest or benefit, whether direct or indirect, in that question.

**DIVISIONS****Voting**

68. (1) At the conclusion of a debate the question shall be put by the Speaker and the votes may be taken by voices Aye and No, and the result shall be declared by the Speaker; but if any Member calls for a division the votes shall be taken by the Clerk, who shall ask each Member separately, beginning with the most junior Member, how they desire to vote and record the votes accordingly.

(2) When a division is claimed either in the Assembly or in Committee of the whole Assembly or in Select Committee every Member present shall, unless they expressly state that they decline to vote, record their vote either for the Ayes or Noes. The Clerk shall enter on the Minutes the record of each Member's vote and shall add a statement of the names of Members who declined to vote.

(3) As soon as the Clerk has collected the votes the Speaker, or in Committee or a Select Committee the Chair, shall state the number voting for the Ayes and the Noes respectively and shall then declare the result of the division or give their casting vote as the case may be.

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

**Disallowance of vote of Member having direct personal pecuniary interest**

69. (1) A Member shall not vote on any subject in which they have a direct personal pecuniary interest, but a motion to disallow a Member's vote on this ground shall be made only as soon as the result of the voting on the question shall have been declared.

(2) If the motion for the disallowance of a Member's vote shall be agreed to, the Speaker, or in Committee the Chair, shall direct the Clerk to correct the numbers voting in the division accordingly.

(3) In deciding whether a motion for the disallowance of a Member's vote shall be proposed from the Chair, the Speaker, or in any Committee of the Assembly the Chair, shall have regard to—

- (a) the character of the question upon which the division was taken;
- (b) the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of Her Majesty's subjects; and
- (c) whether his or her vote was given on a matter of state policy.

**Record of dissent**

**70.** Any Member voting in the minority who desires to have his or her reasons recorded for so voting shall state such desire immediately, and their reasons shall be recorded either at that or the following meeting of the Assembly.

**BREACHES OF ORDER****Withdrawal of disorderly Member**

**71.** (1) The Speaker or Chair shall order any Member whose conduct is grossly disorderly to withdraw immediately from the Assembly Chamber and the precincts of the Assembly during the remainder of the day's sitting.

(2) If such direction to withdraw be not complied with at once or if on any occasion the Speaker deems that his or her powers under this Rule are inadequate he or she may name such Member or Members in pursuance of Rule 73.

**Suspension of Member named**

**72.** (1) Where a Member shows disregard for the authority of the Chair, or abuses the rules of the Assembly by persistently and wilfully obstructing the business of the Assembly, the Speaker shall direct the attention of the Assembly to the incident, mentioning by name the Member concerned. A motion may then be made upon which the Speaker shall immediately put the question, no amendment, adjournment, or debate being allowed, "That such Member be suspended from the service of the Assembly." Where such an offence shall have been committed in a Committee of the whole Assembly, the Chair, shall immediately suspend the proceedings of the Committee and report the circumstances to the Assembly; and the Speaker shall on a motion being made thereupon put the same question, without amendment, adjournment or debate, as if the offence had been committed in the Assembly itself.

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

(3) If any Member be suspended from the service of the Assembly under the provisions of this Rule his or her suspension shall continue and be effective during the remainder of the session unless sooner determined by the Assembly.

**Enforcement of Speaker's directions**

**73.** (1) Members who are directed to withdraw under Rule 71 or are suspended under Rule 72 shall immediately withdraw from the precincts of the Assembly Chamber.

(2) The Speaker or Chair whether acting under Rule 71 or 72 may direct such steps to be taken as are required to enforce his or her order.

(3) Nothing in Rule 71 shall be deemed to prevent the Assembly from proceeding against any Member for any breach of order not specified therein or from proceeding in any other way it thinks fit in dealing with the breaches of order therein mentioned.

**SELECT COMMITTEES****Select Committees**

**74.** (1) The Assembly may appoint members to form a Select Committee to consider or inquire into and take evidence upon a matter or Bill as determined by the Assembly.

(2) The Committee shall report its findings to the Assembly.

(3) In the absence of any nomination by the Assembly, a Select Committee shall elect its own Chair. In the absence of the Chair, the senior Member on the Committee shall act as Chair.

(4) Unless the Assembly otherwise directs three Members or, if the number of the Select Committee does not exceed four, two Members shall form a quorum.

(5) Select Committees shall have the power to appoint specialist advisers either to supply information which is not readily available or to explain complex matters.

### **Replacing Members**

**75.** (1) The Speaker may from time to time in case of the death or unavoidable absence of a Member appoint another Member to take the place of such Member on the Committee.

(2) Where the Speaker is the Chair of a Select Committee, they shall have a casting vote if the votes be equally divided, but shall not have an original vote. In the absence of the Speaker from the Chair, the Member presiding shall have an original vote, and a casting vote if the votes are equally divided.

### **Report of Select Committee to be signed by Chair**

**76.** The report of every Select Committee shall be signed by the Committee Chair, or in his or her absence by the senior Member present.

### **Member Dissenting**

**77.** Any Member dissenting from the opinion of the majority of a Select Committee may put in a written statement of his or her reasons for such dissent, and such statement shall be appended to the report of the Committee.

### **Secretarial Support for a Select Committee**

**78.** The Clerk of the Assembly may provide office and secretarial facilities to a Select Committee.

## **STANDING COMMITTEES**

### **Public Accounts Committee**

**79.** (1) There shall be a Standing Committee of the Assembly to be known as the Public Accounts Committee.

(2) The Public Accounts Committee shall consist of not less than three nor more than five Members of the Assembly, drawn from both sides of the Assembly whose appointment to the Committee shall be moved by a resolution of the Minister of Finance and subject to the approval of the Assembly.

(3) The Assembly shall from time to time appoint a Member of the Committee who is a Member of the Opposition in the House to be Chairman of the Committee and may appoint another Member of the House to fill any vacancy in the Membership of the Committee occurring from time to time.

(4) The duties and powers of the Public Accounts Committee shall be as follows—

- (a) to ascertain that the authorised expenditure during each financial year, including supplementary expenditure, has been applied to the purposes prescribed by the Assembly;
- (b) to scrutinise the causes which may have led to any excess over authorised expenditure, and to verify applications of savings on other authorised items of expenditure;
- (c) to make an effective examination of public accounts kept in any Department of Government and government agency; and

- (d) to summon any public officer to give any information, or any explanation or to produce any records or documents which the Committee may consider necessary in the performance of its duties.

(5) Where a public officer refuses a summons referred to in sub-Rule 4(d), he or she is guilty of an offence under section 9(1) of the House of Assembly Powers and Privileges Act, R.S.A. c. H15.

(6) The Committee shall have the power to appoint specialist advisers either to supply information which is not readily available or to explain complex matters related to the public accounts.

(7) The Public Accounts Committee shall submit its reports to the Assembly from time to time.

(8) Where the Assembly adopts a report of the Public Accounts Committee and requires the Government to respond to that Report, the Government shall respond to the Assembly in writing no more than six weeks after the date of the adoption of the Report by the Assembly.

### **Administration Committee**

**80.** (1) There shall be a Standing Committee of the Assembly to be known as the Administration Committee to consider the services provided for and by the Assembly and to make recommendations on those services to the Clerk and the Speaker.

(2) The Administration Committee shall consist of not less than three nor more than five Members of the Assembly, drawn from both sides of the Assembly whose appointment to the Committee shall be moved subject to the approval of the Assembly.

(3) The Speaker shall be the Chair of this Committee.

(4) Where the implementation of a recommendation by the Administration Committee would incur additional expenditure, such recommendation shall also be considered by the Public Accounts Committee.

### **Secretarial Support for Standing Committees**

**81.** The Clerk of the Assembly may provide office and secretarial facilities to all Standing Committees.

## **PRIVATE RIGHTS AND PRIVATE BILLS**

### **Private rights affected by Bill**

**82.** In any case where individual rights or interest, or the property of any private person may be peculiarly affected by any public or private Bill, all parties interested may, upon petition for that purpose and on motion made, seconded and carried, be heard before the Assembly or any Committee thereof, either in person or by Counsel.

### **Examination of witnesses**

**83.** When it is intended to examine any witnesses the person requiring such witness shall deliver to the Clerk a list containing the names, residences and occupations of such witnesses, at least two days before the day appointed for their examination. Any such witnesses may be examined, cross-examined and re-examined by Counsel in the same manner as witnesses in any action in the Supreme Court, and may be questioned by any Member and by any Committee. The evidence of every such witness shall be taken down by the Clerk and signed by the witness.

### **Private Bills**

**84.** Every Bill intended to affect or benefit some particular person, association or corporate body, shall contain a section saving the rights of Her Majesty, 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. No such



Bill, not being a Government measure, shall be introduced into the Assembly until due notice has been given at the expense of the promoters by not less than three successive publications of the Bill in the *Gazette* and in some newspaper (if any) circulating in Anguilla, and where any particular premises are affected until after a copy of the Bill has been affixed to the police station nearest to such property for not less than three weeks. Proof that the requirements aforesaid have been complied with shall be made by solemn declaration to the satisfaction of and deposited with the Clerk.

#### **Cost of Private Bills**

85. All Bills, other than public Bills, must be prepared and printed at the expense of the parties by whom they may be introduced.

#### **SUPPLEMENTAL**

#### **Admission of non-Members**

86. Non-Members may be present in the Assembly Chamber and in the place set apart for them within the precincts of the Assembly, but if any Member shall object by "Taking notice that non-Members are present," the Speaker shall immediately put the question "That non-Members be ordered to withdraw," without permitting any debate or amendment.

#### **Suspension of Rules**

87. These Rules may be suspended by the consent of a majority of Members present, provided that no vote, resolution or question the object or effect of which may be to suspend the Rules shall be proposed except by the Speaker or with their consent.

#### **Practice of Parliament**

88. In all cases not provided for by the Constitution, or in these Rules, the practice and procedure of the House of Commons of the Parliament of Great Britain and Northern Ireland shall be followed so far as the same may be applicable to the Assembly.

#### **Repeal**

89. The Legislative Assembly (Procedure) Rules, 1976 is hereby repealed.

Approved by Her Excellency the Governor this 30 day of July, 2021

  
Dileep Daniel Selvaratnam  
GOVERNOR OF ANGUILLA