



STANDING ORDERS

OF THE
HOUSE OF ASSEMBLY
(S.I. 1976 NO. 2145)

As Amended 2023 (Resolution No. 4 of 2023)

THE BRITISH VIRGIN ISLANDS

STANDING ORDERS OF THE HOUSE OF ASSEMBLY

(U.K.S.I. 1976 NO. 2145)

As Amended 2015 (Resolution No. 19 of 2015);

As Amended 2019 (Resolution No. 15 of 2019);

As Amended by Motion (on floor) 2020; and

As Amended 2023 (Resolution No. 4 of 2023)

ARRANGEMENT OF ORDERS

1. Title.
- 1A. Purpose.
2. Interpretation.
3. Oath of Allegiance.
4. Election of Speaker.
5. Election of Deputy Speaker.
6. Presiding in the House and in Committee.
7. Language.
8. Duties of Clerk and Sergeant-at-Arms.
9. Quorum.
10. Days and Hours of Sittings.

ARRANGEMENT OF BUSINESS

- 11. Order of Business.
- 12. Adjournment of the House.

PETITIONS AND PAPERS

- 13. Presentation of Petitions.
- 14. Presentation of Papers.

QUESTIONS

- 15. Nature of Questions.
- 16. Notice of Questions.
- 17. Contents of Questions.
- 18. Manner of Asking and Answering Questions.
- 19. Personal Explanations.
- 20. Messages from the Governor.

PUBLIC BUSINESS

- 21. Arrangement of Public Business.

MOTIONS AND AMENDMENTS THERETO

- 22. Questions for Debate.
- 23. Notice of Motions or Amendments.

NOTICES

- 24. Notice of Questions and Motions.
- 25. Notice of Bills.
- 26. Notice of Petitions.
- 27. Exemptions from Notice.
- 28. Dispensing with Notice.
- 29. Privilege Motions.
- 30. Moving of Motions.
- 31. Seconding of Motions.
- 32. Motions not Moved or Seconded.
- 33. Withdrawal of Motions.
- 34. Amendments to Motions.
- 35. Time and Manner of Speaking.
- 36. Right of Reply.
- 37. Interruptions.
- 38. Contents of Speeches.
- 39. Scope of Debate.
- 40. Anticipation.
- 41. Closure of Debate.
- 42. Previous Question.
- 43. Rules for Members not Speaking.

RULES OF ORDER

- 44. Responsibility for Order in the House and in Committee.
- 45. Speaker to be Heard in Silence.

- 45A. Members to Acknowledge Chair.

ORDER IN THE HOUSE AND IN COMMITTEE

46. Breaches of Order how dealt with.

VOTING

47. Decision of Questions.
48. Collection of Voices.
49. Divisions.
50. Pecuniary Interest.

PROCEDURE ON BILLS

51. Introduction and First Reading.
52. Appointment Days for Stages of Bills.
53. Printing and Circulation of Bills.
54. Second Reading of Bills.
55. Committal of Bill.
56. Functions of Committees on Bills.
57. Procedure in Committee of the whole House on a Bill.
58. Procedure in Select Committee on a Bill.
59. Procedure on Reporting of Bills from Committee of the Whole House.
60. Recommittal of Bills reported from Committee of the Whole House.
61. Procedure on Bill reported from Select Committee.
62. Third Reading.

- 63. Consequential Amendments of Bills.
- 64. Custody of Bills and Assent thereto.
- 64A. Deletion of Bills.
- 65. Withdrawal of Bills.
- 66. Bills having the same Subject Matter.

FINANCIAL PROCEDURE

- 67. The Standing Finance Committee.
- 68. The Appropriation Bill.
- 69. Procedure in Committee of Whole House.
- 70. Third Reading of Appropriation Bill.
- 71. Supplementary Appropriation Bills.

SELECT COMMITTEES

- 72. Standing Select Committees.
- 73. Public Accounts Committee.
- 74. The Standing Orders Committee.
- 75. The Services Committee.
- 76. The Committee of Privileges.
- 77. The Regulations Committee.
- 77A. The Register of Interests Committee.
- 78. Special Select Committees.
- 79. Constitution and Chairman of Select Committees.
- 80. Procedure in Select Committees.
- 81. Witnesses.

- 82. Premature Publication of Evidence.
- 83. Reports from Select Committees.

MISCELLANEOUS

- 84. Absence of Members.
- 85. Employment of Members in Professional Capacity.
- 86. Report of Debates.
- 86A. Use of Technology in the House.
- 87. Visitors.
- 88. Private Bills.
- 89. Suspension of Standing Orders.
- 90. Amendment of Standing Orders.
- 91. Matters not provided for by Standing Orders.

**THE HOUSE OF ASSEMBLY STANDING ORDERS
(AMENDMENT), 2016**

Title

1. These Standing Orders may be cited as the House of Assembly Standing Orders (Amendment), 2016.

Purpose

1A. These Standing Orders contain rules for the conduct of proceedings in the House of Assembly and for the exercise of powers possessed by the House. They are not intended to diminish or restrict the House's rights, privileges, immunities and powers.

Interpretation

2. For the purposes of these Standing Orders, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them:

- (a) "Chairman" means the Chairman of a Committee of the whole House, or of a Select Committee, as the context indicates;
- (b) "Clerk" means the Clerk of the House of Assembly;
- (c) "day" or "clear day" means any day except Saturdays, Sundays and public holidays;
- (d) "Despatch" means to be circulated by post, courier, hand delivery or electronic means;
- (e) "House" means the House of Assembly and references to "the House of Assembly" and "the House" include references to a "Committee of the whole House";
- (f) "Member" means any Member elected to the House of Assembly;
- (g) "Member Emeritus" means any former elected Member upon whom that title had been conferred;
- (h) "Minister" means a person appointed by the Governor in accordance with the advice of the Premier under section 52 of the Constitution Order, 2007 and assigned responsibility for any business of the Government of the Virgin Islands including the administration of any department of Government;
- (i) "Notice paper" means a summons to Members by the Speaker informing of the next scheduled Sitting of the House of Assembly.

- (j) “Private Member’s motion” means a motion moved by an Elected Member other than a Minister of the Cabinet;
- (k) “Sergeant-at-Arms” means the Chief Security Officer responsible for security of the House of Assembly.
- (l) “Sitting” means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in Committee;
- (m) “Speaker” means the Speaker of the House of Assembly and includes the Deputy Speaker or any other Member presiding in the House as Speaker, and any such person when acting as Chairman of a Committee of the whole House;
- (n) “Visitor” means any person other than a Member of the House, the Clerk or any employee or servant of the House who is required to work on official duty in the House.

Oath of Allegiance

3. (1) Except for the purpose of electing a Speaker and Deputy Speaker after a general election, no Member of the House shall take part in the proceedings thereof until he has made and subscribed the oath of allegiance in the form set out in the Appendix to these Orders; provided that any person permitted by law to make an affirmation instead of taking an oath may make and subscribe to the affirmation in the form set out in the Appendix to these Orders.

(2) Immediately following the election of a Speaker and Deputy Speaker after a general election, the Clerk shall administer the oath first to the Speaker and Deputy Speaker and then to the other Members.

(3) At any other time, the oath shall be administered by the Clerk immediately after Prayers.

Election of Speaker

4. (1) Whenever it is necessary for the House to elect a person to be Speaker, whether after a general election or when a vacancy in the office of Speaker has occurred in any other way, the procedure for the election shall be as provided in this Order.

(2) Any Member, having first ascertained that the person to be proposed is properly qualified and is willing to serve if elected, may, addressing himself to the Clerk, propose some person as Speaker and move that that person (naming the person) do take the Chair of the House as Speaker. The proposal shall require to be seconded, but no debate whatsoever shall be allowed.

(3) If only one person is so proposed, he shall be declared by the Clerk to have been elected.

(4) If more than one person is so proposed, the House shall proceed to elect a Speaker by ballot.

(5) The procedure for the holding of a ballot shall be as follows:

- (a) Every Member present shall, if he desires, write upon a ballot- paper to be supplied to him by the Clerk the name of the person so proposed whom he desired to be Speaker.
- (b) The Clerk shall then call the names of all the Members and each Member who so desires shall, as his name is called, come to the Table and drop his ballot-paper into a ballot box thereon in such a manner as not to disclose how he is voting.
- (c) When all Members who wish to do so have dropped their ballot-paper into the ballot box, the Clerk shall examine the ballot-papers and report the result of the ballot.
- (d) If no person receives a majority of votes, but two or more persons receive the same number of votes, and that number of votes exceeds the number of votes received by any other person, a second ballot shall be taken, in the manner prescribed in the three preceding subparagraphs save that no vote shall be cast for any person except one or other of the persons who received an equal number of votes.
- (e) If upon the holding of the second ballot, referred to in subparagraph (d) of this paragraph, two or more persons receive an equal number of votes, subsequent ballots shall be held until one person has been duly elected.
- (f) A Member shall not drop any ballot-paper in the ballot box save his own.
- (g) A Member who arrives after the names of the Members have been called and before the Clerk has begun his examination of the ballot papers, shall be entitled to record his vote in the manner prescribed in this Standing Order.

Election of Deputy Speaker

5. (1) Whenever there is a vacancy in the office of Deputy Speaker, the House shall, in accordance with section 69(5) of the Virgin Islands Constitution Order, 2007, proceed to elect a Member to be Deputy Speaker.

(2) The election of the Deputy Speaker shall be conducted in a similar manner to the election of the Speaker, save that the Speaker shall preside.

Presiding in the House and in Committee

6. (1) The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of the House not being a Member of Cabinet elected by the House for the sitting, shall preside at the sittings of the House and shall act as Chairman of Committees of the whole House.

(2) Save as otherwise provided in these Standing Orders, the Deputy Speaker, or other Member presiding, shall have all the authority and power of the Speaker when presiding or otherwise performing the function of the Speaker.

(3) The Speaker may, without any formal communication to the House or to the Committee, request the Deputy Speaker to take the Chair.

(4) Whenever the unavoidable absence of the Speaker from any day's sitting is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair and shall be invested with all the powers of the Speaker until the next sitting of the House, or for twenty-four hours, whichever period is the shorter.

(5) The Speaker in the House or the Chairman in Committee shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

Language

7. (1) The proceedings and debates of the House shall be in the English language.

(2) Every petition, paper and written communication referred to in these Standing Orders shall be in the English language.

Duties of Clerk and Sergeant-at-Arms

8. (1) The duties of the Clerk shall include the following:

- (a) to keep the Minutes of Proceedings of the House and of Committees of the whole House, which shall record the names of Members attending, all decisions taken and details of every division held.
- (b) to circulate the Minutes of the Proceedings of each Sitting to the Member of the House no later than seven (7) days after each Sitting.
- (c) to prepare from day to day 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 to the inspection of Members at all reasonable hours.

- (d) to post or otherwise despatch a Notice Paper of a Sitting to each Member, not less than ten (10) days before the date of such a Sitting.
- (e) to prepare for each Sitting an Order Paper containing the business for that Sitting, copies of which shall be posted or otherwise despatched to each Member not less than five (5) clear days before the House meets.
- (f) to have custody of the votes, records, bills and other documents laid before the House, which shall be open to inspection by Members of the House and other persons under such arrangements as may be sanctioned by the Speaker.

8. (2) The Duties of the Sergeant-at-Arms shall include the following:

- (a) to attend upon the Speaker with the Mace, on entering and leaving the House;
- (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;
- (d) to exercise supervision over police officers and/or other security personnel assigned to duty in the House; and
- (e) to perform such other duties as may be directed by the Speaker.

Quorum

9. (1) The quorum of the House and of a Committee of the whole House shall consist of seven Members besides the person presiding at the Sitting.

(2) If any Member draws the attention of the Speaker in the House or of the Chairman in Committee of the Whole House to the fact that a quorum is not present, the Speaker or Chairman, as the case may be, shall direct Members to be summoned as if for a division.

(3) When the order to summon Members has been given in the House, the Speaker shall, after the expiration of five (5) minutes, count the Members. If a quorum is not then present, he shall adjourn the House without question put.

(4) When the order to summon Members has been given in Committee of the whole House the Chairman shall, after the expiration of two (2) minutes, count the Committee. If he ascertains that a quorum is not then present, the House shall resume and the Speaker shall count the House. If a quorum is then present, the House shall again resolve itself into Committee, but if a quorum is not present, the Speaker shall adjourn the House without question put.

(5) If, from the number of Members taking part in the division, including

those Members who declined to vote, it appears that a quorum is not present, the division shall be invalid, the business then under consideration shall stand over until the next sitting and the House or Committee shall be counted in accordance with paragraph (3) or paragraph (4) of this Order.

Days and Hours of Sittings

10.(1) Sittings of the House shall be held from time to time on such days as the Speaker shall determine provided that a period of not more than two months duration shall elapse between any Sitting and the Sitting immediately following such Sitting.

(2) A Sitting of the House shall begin at 10:00 a.m. or at such other time as the Speaker may from time to time determine.

(3) A Sitting of the House shall conclude not later than 9:00 p.m. unless the Speaker directs otherwise.

(4) When the House has adjourned to a specified date no further notice shall be necessary unless such date shall be more than seven days after the adjourned meeting.

(5) The Speaker may, at any time, suspend the Sitting for a stated period.

ARRANGEMENT OF BUSINESS

Order of Business

11. Unless the Speaker, after consultation with the Leader of Government Business, otherwise directs, the business of each Sitting shall be transacted in the following order:

- (a) Prayers
- (b) Administration of Oaths
- (c) Confirmation of Minutes
- (d) Announcements by the Speaker
- (e) Statements by Ministers
- (f) Presentation of Papers
- (g) Reports from Select Committees
- (h) Presentation of Petitions
- (i) Notices of Motions given orally
- (j) Questions and Answers to Questions (Question Time)

(k) Motions relating to Sittings of the House

(l) Public Business

(m) Other Business

(n) Adjournment of the House

provided that, where there is no business under a particular item, that item is not to be placed on the Order Paper.

Adjournment of the House

12(1) A Member who wishes to ask leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall, before the commencement of the Sitting, hand to the Speaker a written notification of the matter which he wishes to discuss. The Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite, urgent and of public importance and may properly be raised on a motion for the adjournment of the House.

(2) If the Speaker is so satisfied and either

(a) leave of the House is given; or

(b) if leave is not given, at least six Members plus the mover may rise in their places to support the request

the motion shall stand over until an hour on the same day to be fixed by the Speaker, and at that hour any proceedings on which the House is engaged shall be postponed until the motion for the adjournment is disposed of.

(3) Not more than one motion for the adjournment of the House under this Order may be allowed at one Sitting.

PETITIONS AND PAPERS

Presentation of Petitions

13.(1) Every Petition intended to be presented to the House must conclude with a prayer setting forth the general object of the Petition.

(2) A Petition shall not be presented to the House unless it shall have been endorsed by the Clerk as being in accordance with the rules in regard to Petitions.

(3) The Member presenting a Petition may state concisely the purport of the Petition.

(4) All Petitions shall be ordered to lie upon the Table without question put unless a Member when presenting a Petition move for it to be read, printed or

referred to a Select Committee.

(5) The House will not receive any Petition-

- (a) which is not addressed to the House and which is not properly and respectfully worded;
- (b) which has not at least one signature on the sheet on which the prayer of the Petition appears and which has not at least the prayer at the head of each subsequent sheet of signature; or
- (c) except on the recommendation of the Minister of Finance, which, in the opinion of the Speaker, requests that provision be made for imposing or increasing any charge on the revenues or other funds of the Territory or for altering any such charge otherwise than reducing it or for compounding or remitting any debt due to the Territory.

Presentation of Papers

14.(1) Every paper shall be presented by a Minister and its presentation shall be recorded in the Minutes of Proceedings.

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

(3) All papers presented to the House 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, Orders and Regulations made under the Authority of an Ordinance which do not require the approval of the House shall be laid on the Table as soon as may be possible after being made, provided that any Member may at the subsequent meeting ask questions relating to the Rule, Order or Regulation so laid.

QUESTIONS

Nature of Questions

15. Questions may be put to Ministers relating to public affairs for which they are officially responsible.

Notice of Questions

16.(1) A question shall not be asked without notice unless it is of an urgent character or relates to the business of the day, and the Member has obtained the leave of the Speaker to ask it.

(2) Notice of a question shall be given by a Member in writing not less than seven (7) clear days before the hour of the Sitting.

Contents of Questions

17.(1) The right to ask a question shall be subject to the following general rules, as to the interpretation of which the Speaker shall be the sole judge:

- (a) The proper object of a question is to obtain information on a question of fact within the official cognisance of the Minister to whom it is addressed, or to ask for official action.
- (b) A question shall not include the names of persons, or any statements of fact, unless they be necessary to render the question intelligible.
- (c) If a question contains a statement of fact, the Member asking for 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.
- (d) No Member shall address the House upon any question, and a question shall not be made the pretext for a debate.
- (e) Not more than one subject shall be referred to in any one question, and a question shall not be of excessive length.
- (f) A question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases.
- (g) A question shall not be asked:
 - (i) which raises an issue already decided in the House, or which has been answered fully, or to which an answer has been refused during the current session;
 - (ii) seeking information about matters which are in their nature secret or confidential;
 - (iii) regarding proceedings in a Committee which have not been placed before the House by a report from the Committee;
 - (iv) which deals with matters referred to a Commission of Enquiry or within the jurisdiction of the Chairman of a Select Committee;
 - (v) as to the character or conduct of any person except in his official or public capacity;
 - (vi) about any matter then pending before any Court of Justice, or which reflects on the decision of a Court of Justice;
 - (vii) reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion under

Standing Order No. 38 (Contents of Speeches);

- (viii) asking whether statements in the Press, or of private individuals, or unofficial bodies are accurate;
 - (ix) the answer to which can be found by reference to available official publications; or
 - (x) referring discourteously to, or seeking information out, the internal affairs of any Territory within the Commonwealth or of a friendly Foreign Country.
- (h) A question shall not solicit the expression of an opinion, or the solution of an abstract legal question, or of a hypothetical proposition.
- (2) If the Speaker is of the opinion that any question of which a Member has given notice to the Clerk infringes the provisions of any Standing Order or is in any way 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

18.(1) At the time appointed for the asking and answering of questions under Standing Order No. 11 (Order of Business), the Speaker 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.

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

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

(4) After the answer to a question has been given, supplementary questions may, at the discretion of the Speaker, be put for the purpose of elucidating the answer given orally, but the Speaker may refuse any such question which in his opinion introduces matters not relative to the original question, or which infringes any of the provisions of Standing Order No. 17 (Contents of Questions), and may in that case direct that such question be not reported in the Minutes.

(4)(a) Supplementary questions may be asked by the originator of the question or by another Member with the permission of the originator. No more than two (2) supplementary questions shall be asked.

(5) When all the questions for which an answer is required have been called, the Speaker, 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 a Member can ask a question for another Member, if deputed by him to do so. The Speaker shall also call again any questions which have not been answered by reason of the absence of the Member to whom it is addressed.

(6) A Minister may decline to answer a question, if the publication of the answer would in his opinion be contrary to the public interest.

Personal Explanations

19. With the leave of the Speaker, and by indulgence of the House, a Member may make a personal explanation although there be no question before the House, but no controversial matter may be brought forward nor any debate arise upon the explanation.

Messages from the Governor

20. A message from the Governor may be presented to the House at any time and shall be considered forthwith or ordered to be considered at such other time as the Speaker may appoint.

PUBLIC BUSINESS

Arrangement of Public Business

21.(1) Public Business shall consist of motions and public Bills.

(2) Unless the House shall otherwise direct, the order of Public Business shall be as follows:

(i) Government Business

(ii) Private Members Business

(3) Government Business shall consist of motions proposed to be made and bills sponsored by Ministers and shall be set down in such order as the Government think fit.

(4) Private Members Business shall be set down on the Order Paper in the order in which it was entered in the Order Book.

MOTIONS AND AMENDMENTS THERETO

Questions for Debate

22. Except on the recommendation of the Minister responsible for Finance,

the House shall not proceed upon any motion or amendment to a motion the effect of which, in the opinion of the Speaker, is that provision should be made for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Territory or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Territory.

Notice of Motions or Amendments

23.(1) Where under any Standing Order notice is required such notice shall be given in writing, signed by the Member and addressed to the Clerk. Such notice shall be handed to the Clerk or sent to, or left at, the Clerk's office during the ~~hours~~ period prescribed for the purpose.

(2) If the Speaker is of the opinion that any notice of motion which has been received by the Clerk infringes the provisions of any Standing Order or is in any way out of order, he may direct:

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

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

NOTICES

Notice of Questions and Motions

24. Except as hereinafter provided, no Member shall ask a question or make a motion unless he shall have given notice in writing of such question or motion either at some previous Sitting of the House, or to the Clerk not less than seven (7) days previous to the hour of Sitting of the House at which such question is to be asked or motion to be made:

Provided nevertheless:

(a) that the Speaker may allow a question to be asked without notice if it is of an urgent character; and

(b) that no notice shall be required in respect of motions relating to tax measures or customs duties.

Notice of Bills

25. A typewritten or electronic copy (as requested by a Member), of every Bill, except Bills relating to tax measures or customs duties shall, in so far as possible, be sent to each Member five (5) clear days before it is proposed to be read a first time.

Notice of Petitions

26. A copy of any petition shall be sent to the Clerk at least seven (7) days before its presentation.

Exemptions from Notice

27. Unless the Standing Orders otherwise provide, notice shall be given of any motion which it is proposed to make, with the exception of the following:

- (a) a motion for the amendment of any motion;
- (b) a motion for the adjournment of the House or of a debate;
- (c) a motion for the election of a temporary presiding officer under paragraph (1) of Standing Order No. 6 (Presiding in the House and in Committee);
- (d) a motion for the suspension of Standing Orders put with the leave of the Speaker;
- (e) a motion for the withdrawal of visitors;
- (f) a motion that the House resolve itself into the Committee;
- (g) a motion made in Committee of the whole House;
- (h) a motion for the suspension of a Member;
- (i) a motion that a petition do lie upon the Table and be read, printed or referred to a Select Committee;
- (j) a motion for the printing of a paper under paragraph (3) of Standing Order No. 14 (Presentation of Papers);
- (k) a motion relating to a matter of privilege;
- (l) a motion arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;
- (m) a motion to recommit a Bill under paragraph (1) of Standing Order No. 60 (Recommittal of Bills reported from Committee of the

whole House);

(n) a motion for the withdrawal of a Bill under Standing Order No. 65 (Withdrawal of Bills);

(o) a motion in respect of which notice has been dispensed with under Standing Order No. 28 (Dispensing with Notice);

(p) a motion for the confirmation or amendment of the minutes of the House, or for the adoption, modification or reflection of the report of any Committee.

Dispensing with Notice

28. Notice shall not be dispensed with in the case of a motion or in respect of any proceedings for which notice is required, except with the consent of the Speaker and the assent of the majority of the Members present at the time.

Privilege Motions

29.(1) A motion directly concerning the privileges of the House shall take precedence of all other public business.

(2) If during a sitting of the House a matter suddenly arises which appears to involve the privileges of the House and which calls for the immediate intervention of the House, the proceedings may be interrupted, save during the progress of a division, and a motion based on such matter may be made.

Moving of Motions

30.(1) Subject to the Virgin Islands Constitution Order, 2007, and to these Standing Orders, it shall be competent for any Member to propose by way of motion any matter for debate in the House.

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

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

(4) 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, provided that such amendment does not, in the opinion of the Speaker, materially alter any principle embodied in the original motion or the scope thereof. Such amended notice of motion shall run from

the time at which the original notice of motion was given.

Seconding of Motions

31. (1) In the House the question upon a motion or amendment shall not be proposed by the Speaker unless such motion or amendment has been seconded.

(2) In Committee a seconder shall not be required.

Motions not Moved or Seconded

32. (1) 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, move it in his stead: Provided that Government business may be moved by any Minister.

(2) No question shall be proposed upon a motion or amendment, which under those Standing Orders is required to be seconded, and if it is not so seconded, no record of proceedings upon the motion or amendment shall be entered in the Minutes of Proceedings.

Withdrawal of Motions

33. (1) A motion may be withdrawn, at the request of the mover, after it has been moved, by leave of the House or Committee, before the question is fully put thereon, provided there is no dissentient voice.

(2) A motion so withdrawn may be made again provided that notice, as required by these Orders, is given.

(3) 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

34. (1) When any motion is under consideration in the House or in a Committee thereof an amendment may be proposed to the motion if it is relevant thereto.

(2) An amendment may be proposed to any such amendment if it is relevant.

(3) An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Speaker or Chairman, and before it has been put by the Speaker or Chairman, at the conclusion of the debate upon the motion. When every such amendment has been disposed of, the Speaker or Chairman 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.

(4) (a) Upon any amendment to leave out any of the words of the motion, the question to be proposed shall be "That the words proposed to be

- left out be left out of the question”.
- (b) Upon any amendment to insert words in, or add words at the end of, a motion, the question to be proposed shall be “That those words be there inserted” (or “added”)
 - (c) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed “That the words proposed to be left out be left out of the Question”, and only if that question is agreed to, shall the question then be proposed “That these words be there inserted” (or “added”).
 - (d) When two or more amendments are proposed to be moved to the same motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the motion, or in case of doubt in such order as he shall decide.
 - (e) 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 dissentient voice.
- (5) (a) Any amendment to an amendment which a Member wishes to propose may be moved and seconded at any time after the question upon the original amendment has been proposed, and before it has been put at the conclusion of the debate on the original amendment.
- (b) The provisions of paragraph (4) of this Order shall apply to the discussion of amendments to amendments except that in any question to be put, the words “original amendment” shall be substituted for the word “question”.
 - (c) When every such amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.
- (6) Any amendment, whether in the House or in Committee of the whole House, shall be put by the mover before the question is proposed thereon.
- (7) When the question upon an amendment to a motion has been proposed by the Speaker or Chairman an earlier part of the motion may not be amended unless the amendment under the discussion is withdrawn.
- (8) An amendment shall not raise any question which, by these Standing Orders, can only be raised by a substantive motion after notice.

Time and Manner of Speaking

35.(1) A Member desiring to speak shall rise in his place and if called upon shall address his observations to the Speaker or Chairman. No Member shall speak unless called upon by the Speaker or Chairman.

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

(3) Subject to paragraphs (4), (5) and (6) of this Order a Member shall not speak more than once on any question except--

(a) when the House is in Committee;

(b) in explanation as provided in paragraph (6) of this Order;

(c) to a point of order, as provided in Order No. 37 (Interruptions);

(d) in the case of the mover of a substantive motion or the Member in charge of a Bill, in reply.

(4) Any Member may, without prejudice to his right to speak at a later period of the debate, second a motion or amendment by rising in his place and stating that it is his intention to second the motion or amendment, and no more.

(5) In the debate arising out of the motion to refer the Estimates of Expenditure to a Standing Committee of the House or a Committee of the whole House for examination and report, any Minister may, before the conclusion of the debate, speak again, once only, in reply to any points arising in the debate on any department or subject within the responsibility for which he is charged.

(6) A Member who has spoken on a question may again be heard to offer explanations of some material part of his speech which he alleges to have been misunderstood or misrepresented, but he shall not introduce new matter.

(7) A Member who has spoken may speak again when a new question has been proposed, such as a proposed amendment or a motion for the adjournment of the debate.

(8) Before or when a Member rises to move a motion which stands in his name, the Speaker, may fix the total time to be occupied in the debate thereon, and may adjourn the debate from time to time as he may think fit.

(9) The House or a Committee of the whole House may at any time by motion made and carried without amendment or debate extend the time limited by the proceeding Order. The Speaker's or the Chairman's ruling, as the case may be, as to the time taken by any Member, shall be final.

(10) A Member shall not read his speech, except by permission of the Speaker, and in so doing shall make himself responsible for its authenticity and the accuracy of its content. He may read extracts from written or printed papers or books in support of his argument, and may refresh his memory by reference to notes.

(11) No Member may speak on any question after it has been fully put to the vote by the Speaker or Chairman, that is, after the voices of the ayes and noes have been collected.

Right of Reply

36. The mover of a motion may reply after all the other Members present have had an opportunity of addressing the House and before the question is put, and after such reply no other Member may speak.

Interruptions

37. Subject to the provisions of Standing Orders Nos. 29, 41 and 42, a Member shall not interrupt another Member except-

- (a) by rising to a point of order, whereupon the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Speaker or Chairman for decision; or
- (b) to elucidate some matter raised by that Member in the course of his speech, but only if the Member speaking is willing to “yield” or give way and resumes his seat and if the Member wishing to interrupt is called by the Chair.

Contents of Speeches

38.(1) Subject to the provisions of these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his observations to the subject under discussion.

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

(3) It shall be 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 for rescission, which motion shall not be brought sooner than six months after the date on which the House reached its decision.

(4) It shall be out of order to use offensive and insulting language about Members of the House.

(5) No Member shall impute improper motive to any other Member.

(6) A Member shall refer to another Member by his appropriate title.

(7) No Member shall use his privilege for defaming individuals that are not members of the House who have no legal redress.

(8) Her Majesty’s name shall not be used to influence the House.

(9) The conduct of Her Majesty, Members of the Royal family, the Governor,

the Speaker or Members of the House 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 Minister or debate on a motion dealing with any other subject any reference to the conduct of any such person as aforesaid shall be out of order.

Scope of Debate

39.(1) When an amendment proposes to leave out words and to add or insert other words in their place, debate upon the question “That the words proposed to be left out be left out of the question” may relate to both the words proposed to be left out and those proposed to be added or inserted.

(2) On an amendment proposing only to leave out words or to add or insert words, debate shall be confined to the omission, addition or insertion of such words respectively.

(3) Where during the course of a debate a motion is made;

(a) for the adjournment of the debate or of the House; or

(b) in Committee that the Chairman or Member in charge of a Bill or other matter do report progress, the debate upon such a motion shall be confined to the matter of such motion; and a Member who has moved or seconded such a motion shall not be entitled to move or second any similar motion during the same debate: put this paragraph shall not be construed as restricting the customary right of the Leader of Government Business to move the adjournment of the House on the conclusion of the business of the day.

Anticipation

40.(1) It shall be out of order to make a motion or move an amendment dealing with the subject matter of a Bill or motion, or other matter of business listed upon the Order Paper or of which notice has been given.

(2) A Bill, or motion or other matter of business of which notice has been given shall not be anticipated in a debate upon a motion for the adjournment of the House or in any other debate.

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

Closure of Debate

41. (1) After a question has been proposed any Member may at any time during the course of debate rise in his place and claim to move that the question be now put

and unless it appears to the Chair that that motion is an abuse of the rules of the House or an infringement of the rights of the minority of Members present, the question that the question be now put shall be put forthwith. No debate on that motion shall be allowed, and if the motion is carried, the debate then before the House shall cease and the question before the House shall be put forthwith.

(2) When the motion that the question be now put has been carried, and the question consequent thereon has been decided, any Member may claim that any other question already proposed from the Chair be now put and if the assent of the Chair is given such question shall be put forthwith and decided without amendment or debate.

(3) A motion under this Standing Order shall not be decided in the affirmative if it appears on a division that less than five Members voted in the majority in support of the motion.

(4) 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 matter of such motion; 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.

Previous Question

42.(1) When a motion, whether it has been amended or not, is under consideration by the House the Previous Question may be moved.

(2) The Previous Question shall be proposed from the Chair, in the form that the House do proceed to the next item of business.

(3) The debate upon the Question so proposed shall be confined to the subject matter thereof.

(4) If the Speaker is of opinion that the motion for the Previous Question is an abuse of the rules he may decline to propose the Question thereupon.

(5) The Previous Question shall not be admissible upon motions relating to the business of adjournment of the House or in any Committee.

Rules for Members not Speaking

43. A Member present in the House during a debate;

(a) shall enter or leave the House with decorum;

(b) shall not read books, newspapers, letters or other documents save

such as relate to the business before the House;

(c) shall maintain silence while another Member is speaking, and shall not interrupt, except in accordance with these Standing Orders; and

(d) shall otherwise conduct himself in a fit and proper manner.

RULES OF ORDER

Responsibility for Order in the House and in Committee

44. The Speaker in the House and the Chairman in any Committee shall be responsible for the observance of the rules or order in the House and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the House except upon a substantive motion made after notice.

Speaker to be Heard in Silence

45. Whenever the Speaker or the Chairman rises during a debate, any Member then speaking or offering to speak shall sit down, and the House or Committee shall be silent so that the Speaker may be heard without interruption.

Members to Acknowledge Chair

45A.(1) Except when voting, Members must make an acknowledgement to the Chair on entering and leaving the House.

(2) Members must be seated when they are in the House except when speaking in debate or voting.

(3) When the Speaker is about to leave the House at the conclusion of a Sitting, Members shall rise in their places and remain standing until the Speaker has left the House.

ORDER IN THE HOUSE AND IN COMMITTEE

Breaches of Order how dealt with

46.(1) The Speaker or Chairman, after having called the attention of the House, or of the 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 other Members in debate, may direct the Member to discontinue his speech and to resume his seat.

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

(3) If a direction to withdraw under paragraph (2) of this Order be not complied with at once, or if on any occasion the Speaker or Chairman thinks that his powers under that paragraph are inadequate, he may name such Member or Members in pursuance of paragraph (4) or paragraph (5) of this Order.

(4) If a Member shows disregard for the authority of the Chair, or abuses the rules of the House by persistently and willfully obstructing the business of the House or otherwise, the Speaker shall direct the attention of the House to the incident mentioning by name the Member concerned. The Speaker then shall call upon a Minister to move "That the Member be suspended from the service of the House", and the Speaker 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 shall report the circumstances to the House, whereupon the procedure provided for in the preceding paragraph shall be followed.

(6) If such Member be suspended under any provisions of this Order, his suspension shall last until determined by the House.

(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 the provisions of paragraphs (4) to (6) of this Order, or is directed to withdraw under the provisions of paragraph (2) of this Order shall forthwith leave the House and its precincts.

(9) If any Member who has been directed to withdraw or who has been suspended under this Order, refuses at any time to obey the direction of the Speaker to withdraw from the House and its precincts, the Speaker 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 the Member named by him as having so refused to obey his direction shall thereupon without further question put be suspended from the service of the House during the remainder of the Session.

(10) If resort to force is necessary, the Speaker may suspend the sitting during the removal of the 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 any case of suspension to attend any sitting or enter the precincts of the House until the termination of his suspension.

(12) In the case of grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House without question put or suspend the sitting for a time to be named by him.

(13) Nothing in this Order shall be taken to prevent the House from proceeding against any Member for any breach of order not specified herein, or from proceeding in any other way that it thinks fit in dealing with the breaches of order herein mentioned.

VOTING

Decision of Questions

47. (1) Save as otherwise provided in the Virgin Islands (Constitution) Order, 2007, 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 Speaker, or in any Committee the Chairman, shall not vote unless the votes of the other Members are equally divided in which case he shall give a casting vote.

Collection of Voices

48. At the conclusion of a debate the question shall be put by the Speaker or Chairman and the votes may be taken by voices aye and no, and the result shall be declared by the Speaker or Chairman 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.

Divisions

49.(1) A division shall be taken by the Clerk asking each Member separately how he desires to vote and recording the vote accordingly.

(2) In taking the division the names of Members shall be called in alphabetical order.

(3) When a division is claimed either in the House or in any Committee every Member present shall, unless he expressly states that he declines to vote, record his vote either “Aye” or “No”. 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.

(4) As soon as the Clerk has collected the votes the Speaker, or in any Committee the Chairman, shall state the numbers noting “Aye” and “No” respectively and shall then declare the result of the division or, as the case may require, give his casting vote.

(5) If a Member states that he voted in error or that his vote altered, but only if such claim is made as soon as the numbers have been announced and before the result of the division has been declared, the Speaker or Chairman shall, upon such request being made, either direct the Clerk to alter that Member’s vote or direct that a fresh division be held.

Pecuniary Interest

50.(1) A Member shall not vote on any subject in which he has a direct pecuniary interest.

(2) A Motion to disallow a Member’s vote on the basis of paragraph (1) may be made by any Member only as soon as the numbers of the Members voting on the Question have been declared.

(3) No Member for which a motion has been moved to disallow his vote shall be allowed to vote on the motion for disallowance.

(4) If the motion for the disallowance of a Member’s vote is agreed to, the Speaker, or in Committee the Chairman, shall direct the Clerk to correct the numbers voting in the division accordingly.

(5) In deciding whether a motion for the disallowance of a Member’s vote is to be proposed, the Speaker, or in any Committee of the whole House, the Chairman, shall have regard to the character 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 not an interest in common with the rest of Her Majesty’s subjects.

PROCEDURE ON BILLS

Introduction and First Reading

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

(2) A Bill, whether presented in pursuance of an order of the House after leave given or without such order, shall be handed to the Clerk at the Table by the Member who gave notice of the Bill. The Clerk shall then read aloud the short title of the Bill, which after question has been agreed to shall then be recorded in the Minutes as having been read a first time and ordered to be printed.

Appointment Days for Stages of Bills

52. (1) Subject to this Order at the conclusion of the proceedings on any stage of a Bill, the Member in charge of the Bill may either name a day to be appointed for the next stage of the Bill or move that the next stage be taken forthwith.

(2) An interval of not less than four days shall elapse between the first and second reading of a Bill, unless the House, on motion made and question put, agree to proceed with the Bill at an earlier date or forthwith.

(3) No Bill shall be read a second time until it has been printed and circulated to Members, if this has not been done in advance of its introduction.

Printing and Circulation of Bills

53.(1) The Clerk shall be responsible for the printing of Bills from the typewritten copy handed to him by the Member in charge of the Bill and, before any Bill is printed, he shall satisfy himself that:

- (a) the Bill is divided into successive clauses numbered consecutively;
- (b) the Bill has in the margin a short summary of each clause;
- (c) the provisions of the Bill do not go beyond its title; and
- (d) the Bill satisfies section 78(2) of the Virgin Islands Constitution Order, 2007.

(2) As soon as possible after the printing of a Bill, the Clerk shall circulate a copy to every Member. The Bill may be accompanied by a short explanatory statement of its objects.

(3) Whenever such publication is practicable, the Clerk shall as soon as possible cause every Bill to be published in the *Gazette* after the Bill has been read a first time.

Second Reading of Bills

54.(1) On the second reading of a Bill, a debate may arise covering the general merits and principles of the Bill.

(2) To the question “That the Bill be now read a second time”, an amendment may be proposed to leave out the word “now” and add at the end of the question “upon this day six months” or some other date or an amendment may be moved to leave out all the words after the word “that” in order to add words stating the object and motive on which the opposition to the general merits and principles of the Bill and may not deal with its details.

Committal of Bill

55.(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 motion shall not require notice and must be made immediately after the Bill has been read a second time, and may be proposed by any Member.

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

Functions of Committees on Bills

56.(1) Any Committee to which a Bill is committed shall not discuss the general merits and principles of the Bill but only its details.

(2) Any such Committee may make such amendments in and additions to the Bill as they think fit, being amendments and additions relevant to the subject matter of the Bill; but where a Committee desires to make any amendment or addition which is not within the title of the Bill, they shall amend the title accordingly and shall report the same especially to the House.

Procedure in Committee of the whole House on a Bill

57.(1) The Chairman in Committee of the whole House shall cause the Clerk to call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he shall propose the question "That the clause (or the clause amended) stand part of the Bill" and, when all Members who wish to speak thereon have spoken, he shall put that question to the Committee for its decision.

(2) The following provisions shall apply to amendments relating to Bills:

- (a) An amendment must be relevant to the subject matter of the Bill, and to the subject matter of the clause to which it relates.
- (b) An amendment must not be inconsistent with any clause already agreed to or with any previous decision of the Committee.
- (c) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (d) If an amendment refers to, or is not intelligible without, a subsequent amendment or 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.
- (e) In order to save time and repetition of arguments, the Chairman may allow a single discussion to cover a series of interdependent amendments.

- (f) The Chairman may refuse to allow an amendment to be moved which is, in his opinion, frivolous or meaningless.
 - (g) The Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the Committee if, in his opinion, the discussion has shown that the amendment violates the provisions of this Standing Order.
- (3) The provisions of paragraphs (4) and (5) of Standing Order No. 34 (Amendments to Motions) 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 of the word “Chairman” for the word “Speaker” and the word “Committee” for the word “House”.
- (4) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.
- (5) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill, provided that a new clause proposed in substitution for the clause which has been disagreed to may be considered immediately after such disagreement.
- (6) On the title of any new clause being read by the Clerk the clause shall be deemed to have been read a first time. The question shall then be proposed “That the clause be read a second time”; if this is agreed to amendments may then be proposed to the new clause. The final question to be proposed shall be “That the clause (or the clause as amended) be added to the Bill”.
- (7) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules to the Bill have been disposed of, and shall be treated in the same manner as a new clause.
- (8) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put “That this be the preamble to the Bill”. No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.
- (9) If any amendment to the title of the Bill is made necessary by an amendment to the Bill, it shall be made at the conclusion of the proceedings detailed above, but 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.
- (10) At the conclusion of the proceedings in Committee on a Bill, the Chairman shall put the question “That I do report the Bill (or the Bill as amended) to the House”, which question shall be decided without amendment or debate.
- (11) If any Member, before the conclusion of proceedings on a Bill, moves to report progress and such motion is carried, or if the proceedings in a Committee of the whole House have not been finished at the moment of interruption, the

Chairman shall leave the Chair of the Committee and shall report progress to the House and ask leave to sit again, and a day for the resumption of the proceedings shall be named by the Member in charge of the Bill.

(12) A Committee having met to consider a Bill shall proceed with its consideration, except that during the proceedings on a Bill the Member in charge of the Bill may, subject to the discretion of the Chairman, move a motion "That the Committee do not proceed further with the Bill". If the motion is carried, the Committee shall then report the Bill to the House as so far amended or without amendments as the case may be and make a special report explaining its proceedings on the Bill, and the special report and the Bill shall be ordered to lie upon the Table without question put.

Procedure in Select Committee on a Bill

58. A Select Committee on a Bill shall be subject to Standing Order No. 80 (Procedure in Select Committees) and Nos. 47 to 48 (Voting) but before reporting the Bill to the House it shall go through the Bill as provided in Standing Order No. 57 (Procedure in Committee of the whole House on a Bill).

Procedure on Reporting of Bills from Committee of the Whole House

59.(1) So soon as a Committee of the whole House has agreed that a Bill be reported, the House shall resume and the Member in charge of the Bill shall report it to the House.

(2) When a Bill has been reported from a Committee of the whole House it shall be ordered to be read a third time.

Recommittal of Bills reported from Committee of the Whole House

60.(1) If any 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 a Member rises to move the third reading of the 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, no notice of such motion being required, and, if the motion is agreed to, the Bill shall stand so recommitted. The House may then, upon motion made, resolve itself into Committee to consider the business so recommitted either forthwith or upon a later day.

(2) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in Standing Order No. 57 (Procedure in Committee of the whole House on a Bill).

(3) When a Bill has been recommitted in respect only of some particular part or parts or of 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 a Bill recommitted under the provisions of this Order, the Chairman shall put the question “That the Bill (or the Bill as amended on recommitment) be reported to the House” which question shall be decided without amendment or debate. As soon as the Bill has been reported the Member in charge of the Bill may either name a future day for the third reading of the Bill or move that it be read a third time forthwith.

Procedure on Bill reported from Select Committee

61.(1) When a Bill has been reported from a Select Committee, the House may 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 moved under paragraph (8) of Standing Order No. 83 (Reports from Select Committees).

(2) If that motion is agreed to without amendment, the Bill shall be recommitted to a Committee of the whole House without question put, and shall be considered either forthwith or on a day to be appointed by the Member in charge of the Bill.

(3) A Committee of the whole House upon a Bill recommitted under the provisions of this Order shall proceed in accordance with paragraph (2) or paragraph (3) of Standing Order No. 60 (Recommitment of Bills reported from Committee of the Whole House), and the conclusions of its proceedings and the remaining proceedings on the Bill shall be subject to paragraph (4) of that Order.

Third Reading

62.(1) On the third reading of a Bill, amendments may be proposed to the question “That the Bill be now read a third time” similar to those which may be proposed on second reading.

(2) Amendments for the correction of errors or oversights may, with the Speaker’s permission, be made before the question for the third reading of the Bill is put from the Chair, but no amendments of a material character shall be proposed.

Consequential Amendments of Bills

63. Where a Bill has been so amended as to alter the number or letter of any provision thereof, any consequential numbering or re-lettering of other provisions, and of reference to any such altered numbers or letters, shall be made by the Clerk without motion.

Custody of Bills and Assent thereto

64. The Clerk of the House shall have custody of every Bill passed by the House and shall as soon as may be practicable present every such Bill to the Governor for his Assent.

Deletion of Bills

64A. A Bill may be deleted from the Order of the Day by leave of the House either

- (a) before the commencement of Public Business; or
- (b) when any stage of the Bill is reached in the Order of Business if, before the Question is fully put, the mover so requests.

Withdrawal of Bills

65. A Bill may be withdrawn by leave of the House or the Committee, as the case may be, either:

- (a) before the commencement of Public Business; or
- (b) when any stage of the Bill is reached in the Order of Business if before the Question is fully put the mover so requests.

Bills having the same Subject Matter

66. 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.

FINANCIAL PROCEDURE

The Standing Finance Committee

67.(1) There shall be a Committee of the whole House to be called the Standing Finance Committee. The principal order of reference of the Committee shall be to examine the Annual and Supplementary Estimates of the Territory in detail and to examine how departments of Government carry out their responsibilities. The deliberations of the Committee shall be in private.

(2) Any Estimates upon presentation to the House and after debate upon the motion to refer the Estimates to the Standing Finance Committee shall stand so referred.

(3) An amendment to any head of expenditure to increase the sum allotted thereto whether in respect of any subhead or of the head itself may be moved only by a Minister.

(4) An amendment to increase a head whether in respect of any subhead 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.

(5) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any head or subhead therein may be moved by any Member, and

shall take the form of a motion “that the head be reduced by \$ in respect of (or by leaving out) subhead..... item”.

(6) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(7) An amendment to leave out a head shall not be in order.

(8) Minutes of the proceedings of the Committee to be kept by the Clerk shall record any division taken in the Committee and names of all Members voting or declining to vote therein.

(9) The report of the Committee shall be presented to the House by the appropriate Minister, who shall move that the report be adopted, and debate thereon may take place forthwith or on a day to be named by him.

(10) On the debate in the House on the motion “That the Report of the Standing Finance Committee be adopted”, Members may raise points as to specific details of heads of expenditure in the report but may not raise at this stage any matters of general principle.

(11) The House in its discretion may also refer to this Committee any other matter relating to expenditure.

The Appropriation Bill

68.(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 the Appropriation Bill.

(2) When the Appropriation Bill has been presented, the motion for the second reading of the Bill shall be proposed forthwith and the appropriate Minister shall make his annual financial statement, or budget speech, after which the motion for the second reading of the Bill shall be seconded, and the debate thereon may be adjourned to a date as such Minister decides. The debate on the second reading of the Bill shall be confined to the financial and economic state of the Territory and the general principles of Government policy and administration as indicated by the Bill and the Estimates.

(3) After the motion for the second reading of the Bill has been proposed the debate thereon may be adjourned until such day as the appropriate Minister decides. The debate, when resumed, shall be confined to the financial and economic state of the Territory and the general principles of Government policy as indicated by the Bill.

(4) On the conclusion of the debate on the second reading the Speaker shall put the question that the Bill be committed to a Committee of the whole House, which question shall be decided without amendment or debate.

Procedure in Committee of Whole House

69. When the question upon every clause of the Bill and the Schedule thereto have been decided, the Chairman shall put the question to the House that the Bill (as amended) be reported to the House, which question shall be decided without amendment or debate. Upon such question being agreed to, the House shall resume, and the Minister in charge of the Bill shall report it to the House.

Third Reading of Appropriation Bill

70. As soon as the Appropriation Bill has been reported to the House a motion for the third reading shall be made by a Minister. Such motion shall be decided without amendment.

Supplementary Appropriation Bills

71. If from time to time whether in the course of a particular financial year or after its close a Supplementary Appropriation Bill is presented, the rules and procedure relating to an Appropriation Bill shall apply.

Standing Select Committees

72.(1) There shall be the following Standing Select Committees:

- (a) the Public Accounts Committee;
- (b) the Standing Orders Committee;
- (c) the Services Committee;
- (d) the Committee of Privileges;
- (e) the Regulations Committee;
- (f) the Register of Interests Committee.

(2) Standing Select Committees shall be nominated by the Speaker as soon as may be practicable after the beginning of each House of Assembly.

(3) Except as provided in Standing Order 73(1), a Standing Select Committee shall consist of not more than seven (7) members and not less than five (5) members inclusive of the Member who is the Chairman of the Committee.

Public Accounts Committee

73.(1) There shall be a Select Committee to be designated the Public Accounts Committee, which shall consist of not more than seven (7) and not less than three (3) members nominated at the commencement of each session provided that no person shall be qualified to be nominated if he holds or is acting in the Office of a Minister.

(2) The Chairman of the Committee shall be the Leader of the Opposition.

(3) The quorum of the Public Accounts Committee shall be as follows:

- (a) two members shall form a quorum for a Committee of three Members;
- (b) three Members shall form a quorum for a Committee of four or five Members; and
- (c) four Members shall form a quorum for a Committee of seven Members.

(4) The Auditor General shall be the Adviser to the Committee.

(5) The functions of the Committee shall be:

- (a) to consider the accounts of the Government in conjunction with the Auditor General's Report;
- (b) to consider any Special Report submitted by the Auditor under Section 20 of the Audit Act, 2003;
- (c) to report to the House of Assembly in the case of any excess or unauthorised expenditure of funds, the reasons for such expenditure;
- (d) to report to the House of Assembly in the case of any shortfall of Revenue, the reasons for such shortfall;
- (e) to report to the House of Assembly any case of apparent extravagance or waste of public funds;
- (f) to propose any measures it considers necessary to ensure that public funds are properly brought to account and are economically spent.

(6) Subject to the foregoing provisions, the rules and procedure for Select Committees shall apply to such Committee.

The Standing Orders Committee

74.(1) The Standing Orders Committee shall have the duty of considering from time to time and reporting on all such matters relating to the Standing Orders as may be referred to it by the House.

(2) A Minister shall be a Member and the Chairman of the Standing Orders Committee.

(3) The Speaker of the House shall be the Adviser to the Committee.

The Services Committee

75.(1) The Services Committee shall have the duty of considering and advising the Speaker on all matters, connected with the comfort and convenience of Members of the House, and from time to time reporting to the House its Minutes of Proceedings.

(2) The Minister in charge of arranging the business of the House shall be a Member and the Chairman of the Services Committee.

The Committee of Privileges

76.(1) There shall be referred to the Committee of Privileges any matter which appears to affect the powers or privileges of the House and it shall be the duty of the Committee to consider any matter so referred and to report thereon to the House.

(2) The Speaker shall be a Member and the Chairman of the Committee of Privileges.

The Regulations Committee

77.(1) The Regulations Committee shall have the duty of considering all such regulations (as defined by the Interpretation Law, as for the time being in force) as under the authority of any Law are to be laid before the House and to be subject to negative resolution within the meaning of the Interpretation Law, and to bring to the special attention of the House any regulation or draft:

- (a) which involves the expenditure of public moneys or imposes or fixes fees for licences or for services;
- (b) which cannot be challenged in the Courts on the ground that it is *ultra vires*, or is only temporarily so challengeable;
- (c) the making of which appears to constitute an unusual or unexpected use of the powers conferred by the Law under which it was made;

- (d) which purports to have retrospective effect although the Law under which it was made does not in terms give the Governor in House such a power;
- (e) the publication or the laying before the House of which appears to have been unduly delayed;
- (f) as respects which there has been unjustifiable delay in notifying the Speaker that the instrument had come into operation before it was laid before the House; or
- (e) the purport or form of which appears to require elucidation.

(2) The Regulations Committee shall not consider or report on the merits of any policy or any regulations.

The Register of Interests Committee

77A. (1) The Register of Interests Committee shall have the duty of considering all matters relating to the Register of Interests as established under section 112 of the Virgin Islands Constitution Order, 2007.

(2) The Chairman of the Committee shall be a Minister.

Special Select Committees

78.(1) A Select Committee other than a Standing Select Committee under Standing Order 72 shall:

- (a) be known as a Special Select Committee;
- (b) be appointed by order of the House which shall specify the terms of reference of the Committee;
- (c) consist of such and so many Members as the House may nominate.

(2) The quorum of a Special Select Committee shall be such as shall be specified in the order of the House.

Constitution and Chairman of Select Committees

79.(1) Every Select Committee shall be so constituted as to ensure, so far as is possible, that the balance of parties in the House is reflected in the Committee.

(2) Where a Member of a Select Committee dies or for any other reason his seat becomes vacant, then, subject to the preceding paragraph, the House shall

nominate another Member in his place. Subject to the wishes of the House, the proceedings of a Committee shall not be invalidated on the ground of a vacancy in the membership of the Committee so occurring.

(3) Except as is otherwise provided by these Orders or by special direction of the House, a Select Committee may elect a Chairman from among its Members.

Procedure in Select Committees

80.(1) Except as otherwise provided in Standing Order No. 72 (Standing Select Committees) this Order shall apply to all Select Committees.

(2) If the Chairman is unable to be present at any meeting, the Committee shall elect another Chairman whose tenure of office shall be for such time as the Chairman remains absent.

(3) Unless the House otherwise directs, the Standing Orders Committee and the Services Committee shall not, but every other Select Committee shall, have power to send for persons, papers and records and shall have leave to report its opinion and observations, together with the minutes of evidence taken before it to the House.

(4) A Select Committee shall not have power to delegate any of its functions to its Chairman.

(5) Unless the House otherwise directs, three shall form a quorum for a Committee of five Members and four shall form a quorum for a Committee of seven Members. In ascertaining whether there is a quorum present, the Member in the Chair shall not be excluded.

(6) Subject to any order of the House or resolution of the Committee, the sittings of a Select Committee shall be held in private.

(7) The deliberations of a Select Committee shall be confined to the matter referred to it by the House and 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.

(8) The first meeting of a Select Committee shall be held at such time and place as the Chairman in the case of a Standing Select Committee, or the Speaker in the case of a Special Select Committee, shall appoint. Subsequent meetings shall be held at such time and place as the Committee may determine:

Provided that if the Committee fails to do so, the Chairman shall, in consultation with the Clerk of the Committee, appoint such time and place.

(9) (a) A Select Committee may sit at any time when the House is adjourned and it shall not be dissolved until the presentation of its report to the House or until the House is dissolved.

(b) The Clerk to the House, or any other person so designated by the Clerk, shall be the Clerk to each designated Committee and shall attend all meetings of every such Committee.

(c) Every division in a Select Committee shall be taken by the Clerk to the Committee asking each Member of the Committee separately how he desires to vote and recording the votes accordingly. In the event of any equality of votes the Chairman shall have a casting vote in addition to his original vote; but if he does not exercise his casting vote, the motion shall be lost.

Witnesses

81.(1) When it is intended to examine any witnesses, the Member requiring such witnesses shall deliver to the Clerk of the Committee the name, residence and occupation of any witness he desires to examine.

(2) If the Committee desires to summon any witnesses, the Chairman shall supply the name, residence and occupation of every such witness to the Clerk of the House at least seven days before his evidence is required. The Clerk shall then, subject to the directions of the Speaker, summon every such witness on behalf of the House.

(3) The evidence of every witness shall be taken down verbatim and shall be sent in proof to the witness by the Clerk to the Committee. The witness shall be at liberty within fourteen days from that on which the proof was sent out to suggest corrections due to inaccurate reporting and the evidence shall be printed with such of the corrections as may be approved by the Chairman.

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

Premature Publication of Evidence

82. The proceedings of and the evidence taken before any Select Committee and any documents presented to and decisions of such a Committee shall not be published by any Member thereof or by any other person before the Committee have presented their Report to the House.

Reports from Select Committees

83.(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; but where a Committee finds itself unable to conclude its investigations before the end of the Session it may 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 the Committee.

(3) A Select Committee may make a special report relating to its powers, functions and proceedings on any matters 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 Select Committee; but alternative drafts may be submitted for consideration by any other Member of the Select Committee.

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

(c) Any Member dissenting from the report of a majority of the Select Committee may by leave of the Select Committee put in a concise written statement of his reasons for such dissent, and such statement shall be appended to the report.

(5) A Bill reported from a Select Committee shall be recommitted to a Committee of the whole House without question put, and shall be considered either forthwith or on a day to be appointed by the Member in charge of the Bill.

(6) Save as provided in paragraph (5) above, a report or special report together with a copy of the minutes of proceedings of a Select Committee and a copy of the minutes of any evidence given before that Committee shall:

(a) be presented to the House by the Chairman or other Member deputed by the Committee; and

(b) without question put be ordered to lie upon the Table, and the report shall be ordered to be printed.

(7) (a) The minutes of proceedings of a Select Committee shall record:

(i) the names of the Members present each day of the sitting of the Select Committee;

(ii) the names of the witnesses examined;

(iii) 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;

(iv) a copy of the draft report and any alternative draft, and any amendments thereto.

(b) The minutes of the proceedings of a Select Committee shall accompany the report of the Select Committee, and shall be dealt with as the House may direct.

(8) The Report of a Select Committee may be taken into consideration by the House on a motion “That the Report of the Select Committee on..... be adopted”. Such a motion may be moved by any Member.

MISCELLANEOUS

Absence of Members

84.(1) Any Member who is prevented from attending a meeting of the House shall acquaint the Speaker as early as possible of his inability to attend.

(2) A Member of the House shall vacate his seat, if the Member in any one Session is absent from the House for more than three consecutive sittings without the written leave of the Speaker.

Employment of Members in Professional Capacity

85. No Member of the House shall appear before the House or any Committee thereof as Counsel for any party or in any capacity for which he is to receive a fee or reward.

Report of Debates

86.(1) An official report of all speeches made in the House shall be prepared under the supervision of the Clerk, acting under such instructions as the Speaker may give.

(2) The report shall be published in such form as the Speaker may direct, and a copy thereof shall be made available to each Member as soon as practicable.

Use of Technology in the House

86A. Members may use electronic devices in the House (including in any Committee of the House) to aid in the performance of their parliamentary duties provided that the manner in which they are used does not disturb the proceedings of the House.

Visitors

87.(1) Visitors may be admitted to debates in the House under such rules as the Speaker may from time to time make for that purpose.

(2) If at any sitting of the House any Member moves that Visitors withdraw, the Speaker shall forthwith put the question “That Visitors do withdraw” without permitting any debate or amendment.

(3) The Speaker may, whenever he thinks fit, order the withdrawal of Visitors from any part of the House and its precincts, and may order the doors of the House to be closed.

(4) Visitors must withdraw from the House and its precincts when called upon to do so by the Speaker.

(5) The Speaker may grant a general permission to the representative of any journal to attend the sittings of the House under such rules as he may make from time to time for that purpose. If such rules are contravened, such permission may be revoked.

Private Bills

88.(1) Every Bill not being a Government measure intended to affect or benefit some particular person, association or corporate body (in this Order called “A Private Bill”) 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 of this Standing Order.

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

(3) A Private Bill shall be introduced by a Member only :

(a) on petition from the promoters stating the object of any reasons for the Bill, and

(b) after notice of the Bill has been given by :

(i) not less than three successive publications of the Bill in the *Gazette*, and

(ii) one publication in a newspaper circulating in the island of a notice containing a statement of the objects of and reasons for the Bill.

(4) The petition 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 Speaker shall put the question that the promoters be allowed to proceed.

(5) (a) When leave to proceed has been granted, the promoters shall within the next ensuing three months lodge with the Clerk:

(i) two copies of the Bill;

(ii) a sum of money sufficient in the opinion of the Clerk to defray

the expenses of the printing of the Bill or such proportion of such expenses as the Clerk may determine;

(iii) a duly executed bond, satisfactory to the Clerk for the payment of any additional expenses of such printing.

(b) The Clerk shall cause the Bill lodged with him to be printed as early as possible, and, at the first ordinary sitting of the House after the printing is completed, the Speaker if he is satisfied that the notices required by paragraph (3) hereof 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 Speaker if he considers such amendments beyond the scope of the Bill, shall report his opinion to the House.

(6) Upon the day ordered for second reading the Speaker shall, unless the House otherwise orders, propose the question that the Bill be read a second time.

(7) After the Bill has been read a second time, it shall stand referred to a Special Select Committee.

(8) (a) Every Special Select Committee on such a Bill shall require proof of the facts and other allegations set forth in the Bill as showing that it is expedient that the Bill should 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 with reference to the Bill, unless the House makes a special order to the contrary.

(b) The Special Select Committee, if it finds that the said facts and allegations have been proved, shall consider the several clauses of the Bill, and may strike out clauses, add new clauses, and make other amendments that it may think necessary, and in respect of such new clauses and other amendments 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 of and reasons for the Bill or which are beyond its scope.

(9) No person other than a Member of the House 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.

(10) Subject to the provisions of this Order, all petitions against a Bill containing a prayer that the petitioners be heard by themselves or Counsel shall stand referred to the Special Select Committee, and the Committee shall hear all such

opposers who appear to it to have a *locus standi*.

(11) The Special Select Committee shall examine the Bill and make such amendments thereto as it thinks proper, and shall report to the House that it has examined the Bill and (if the fact be so) made amendments thereto, and shall make to the House such recommendations, if any, as it thinks fit.

(12) After the report of the Special Select Committee has been presented to and adopted by the House, the Speaker shall put the question, without amendment or debate, that the Bill be read a third time.

(13) 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) (a) (ii) of this Order, shall transfer thereout to the general revenue the amount of the said account and pay the balance to the promoters;
- (b) exceeds the sum so lodged, shall transfer that sum wholly to the general revenue fund and, in the event of the promoters failing to pay the balance, shall instruct the Attorney General to take proceedings to recover the balance.

Suspension of Standing Orders

89. Any one or more of these Standing Orders may after notice, or with the leave of the Speaker, be suspended on a motion made by a Member at any sitting.

Amendment of Standing Orders

90.(1) Unless the Speaker otherwise directs, not less than twelve (12) 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, if necessary, been seconded, the motion shall without question put thereon, be forthwith referred to the Standing Orders Committee and no further proceedings shall be taken on any such motion until the Committee has reported thereon.

Matters not provided for by Standing Orders

91.(1) The Speaker is responsible for ruling whenever any question arises as to the interpretation on application of a Standing Order and for deciding cases not otherwise provided for.

(2) 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.

(2A) Where it is impracticable by reason of any emergency for the House of Assembly to meet physically, the House may do so by electronic means.

(3) 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.