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CONSTITUTIONAL ASSEMBLY

MEMORANDUM

TO: Members of the Management Committee
FROM: Executive Director
DATE: 26 March 1996
RE: Draft Resolution Amending the CA'S Standing Rules

We enclose for your consideration the document entitled "*Draft Resolution Amending the Standing Rules: Constitutional Assembly Friday 29 March 1996.*"

H EBRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY

15h00
 15h00 15h00
 5h00
 5 minutes
 15h00
 15h



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THE NEW CONSTITUTION

**DRAFT RESOLUTION AMENDING THE STANDING RULES: CONSTITUTIONAL
ASSEMBLY FRIDAY 29 MARCH 1996**

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions.
_____ Words underlined with a solid line indicate insertions.

The text of clauses proposed to be deleted in full is attached as Annexure A.

RESOLUTION:

That the provisions of Standing Rule 78 and Standing Rules 82 up to and including 95 be amended as follows:

Introduction and First Stage

Statements on behalf of parties

(82). (1) After the introductory speech one member of each political party in the Constitutional Assembly may make a statement on the bill on behalf of his or her party.

(2) A period of debate, as determined by the presiding officer, may follow statements on the bill in terms of Subrule (1).

Bill read a first time

(82). When statements on the bill have been made on behalf of all political parties in the Constitutional Assembly who wish to be heard, and after the period of debate referred to in Subrule (82)(2), the presiding officer shall order the bill to be read a first time, without the question being put.

Second Reading Stage

Notice of Second Reading

(83). After the bill has been read a first time, the member in charge of the bill shall place it on the Order Paper for Second Reading, at which stage the clauses and other provisions shall be considered.

Procedure at Second Reading

[Rules 85, 86 & 87 deleted]

(88). (1) Proposed amendments to the clauses or other provisions of the bill[, **which are to be moved during the third stage of the bill,**] may be placed on the Order Paper[**at any time after the bill has been read a first time**].

(2) Any amendments appearing on the Order Paper will be deliberated on together with the clauses or other provisions to which they refer, and will thereafter be referred to the Constitutional Committee in terms of Rule 91A.

(3) An amendment which does not appear on the Order Paper may not be referred to the Constitutional Committee except by or by leave of the member in charge of the bill.

(4) An amendment which is [contrary to the principles of the bill or which is inconsistent with a clause or provision already approved or is substantially the same as one already negatived or which is] out of order for any [other] reason, may not be placed on the Order Paper, and the Chairperson's decision on any question as to whether an amendment is or is not out of order, shall be final.

(4) An amendment must be in writing signed by the proposer, and must be delivered to the Secretary not later than 12:00 on the date of the first reading of the bill[the last work day preceding the day on which it is to appear on the Order Paper].

[Rule 89 deleted]

Order in which clauses considered

(90). The clauses and other provisions of the bill shall be considered in the order [in which they are put] determined by the presiding officer[, and the question on each clause or provision shall be put and determined accordingly unless the presiding officer postpones the determination of such question pending the decision of any other question].

Consideration of amendments

[Rule 91 deleted]

(91A). (1) Such amendments to a clause or other provision of the bill as appear on the Order Paper, or are proposed by or by leave of the member in charge of the bill, shall be referred to the Constitutional Committee.

(2) The Constitutional Committee, after considering such amendments and any deliberations thereon by the Constitutional Assembly, shall submit a report for consideration by the Constitutional Assembly at the conclusion of the Second Reading stage of the bill, together with a bill containing such amendments as it may recommend.

[Rule (92) and (93) deleted.]

Conclusion of second reading stage

(93A). When the presiding officer is satisfied that all the clauses and other provisions of the bill, and all amendments appearing on the Order Paper or proposed by or by leave of the member in charge of the bill, have been duly dealt with, he or she shall order the bill to be read a second time, without the question being put.

Third Reading Stage

Notice of Third Reading

(94). After the conclusion of the debate on the **[third stage]**second reading of the bill, the member in charge of the bill shall place the bill or, as the circumstances may require, the bill as so amended, on the Order Paper for Third Reading.

Printing of amended bill

(95). (1) If the bill is amended in terms of Standing Rule (91A), the Secretary shall cause the bill as so amended to be printed and copies to be supplied to members.

(2) The Third Reading of the bill shall not commence before Subrule (1) has been complied with.

ANNEXURE A

TEXT OF STANDING RULES PROPOSED TO BE DELETED IN TERMS OF THE RESOLUTION

Restriction on amendments

(85). No amendments shall be allowed to the motion for the Second Reading of the bill, except amendments to omit all the words after "That" and to substitute words which state some special reason or reasons against the Second Reading.

Debate on Second Reading

(86). The debate on the Second Reading shall be conducted on the objects and principles of the bill.

Third Stage

Notice of third stage

(87). After the bill has been read a second time, the member in charge of the bill shall place it on the Order Paper for the consideration of the clauses and other provisions.

Debate confined to detail

(89). The principles of the bill shall not be discussed in the debate during the third stage, but only its details.

Moving of amendments

(91). (1) An amendment to a clause or other provision of the bill must be moved when the clause or provision is under consideration.

(2) The insertion of a new clause or other provision must be moved immediately after the determination of the question on the clause or provision which will precede the new clause or provision.

Order in which amendments put

(92). The presiding officer shall determine the order in which amendments to the same clause or provision shall be put.

Conclusion of third stage

(93). The presiding officer shall declare the debate on the third stage of the bill to be concluded when he or she is satisfied that all the clauses and other provisions of the bill and all amendments duly moved have been duly dealt with.