



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

FACT SHEET

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RULES OF THE NATIONAL ASSEMBLY

The Assembly plays a critical role in exercising and upholding the principles of democracy enshrined in the Constitution. Members are elected to exercise their mandate as representatives of the people who elected them and are constantly in the public eye, speaking for and on behalf of voters and non-voters alike.

Section 57(1) of the Constitution provides that the National Assembly determines and controls its internal arrangements and proceedings, and that it makes rules and orders concerning its business. Section 58(1) of the Constitution gives members freedom of speech in the Assembly subject to its rules and orders. In terms of the rules, members have freedom of speech and may not be prosecuted for anything they say in the House or its committees, but must temper their speech in terms of the rules and orders to which they have agreed. Freedom of speech and the rules that the Assembly imposes on itself to ensure orderly debate are key to the effective conduct of the business of the House. *[Freedom of Speech is dealt with in more detail in a separate Fact Sheet]*

The Assembly is the sole determinant of its rules, subject only to the Constitution and legislation, which requires that rules be made with due regard to representative and participatory democracy, accountability, transparency and public involvement. Rules are meant to ensure that parliamentary business is conducted effectively and in an orderly, fair, open and predictable way. This means that all political parties and all

members are afforded opportunities to be heard and participate in proceedings of the House and its committees in a manner consistent with democracy.

In practice, new draft rules, and proposed changes to the rules, are considered by the Assembly Rules Committee, usually on the basis of recommendations by the Subcommittee on Review of Assembly Rules. The Rules Committee then makes recommendations to the Assembly and the Assembly in turn considers and adopts the proposals by resolution. Notwithstanding the above, rule changes may, in exceptional cases, also be made directly in the Assembly, having originated in other committees or structures such as the Programme Committee or the Chief Whips' Forum. Since the Assembly is the sole determinant of its rules, a rule may be varied or suspended only by resolution of the House. Such a suspension however, is limited in its operation to the particular purpose for which it is approved. As regards their application, the rules apply also to the President and the Cabinet, including Ministers or Deputy Ministers who are not members of the Assembly. It is the responsibility of the Speaker and other



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presiding officers to implement the rules in the spirit of the Constitution. It is also required of every member to respect and abide by the rules, and to co-operate with the presiding officers in their efforts to apply the rules fairly and effectively.

The rules consist of a set of procedures agreed to by the House from time to time. They cover a diverse range of activities including the rules of debate and freedom of speech; procedures for motions and questions to the Executive; establishment of committees and the passage of legislation through the House. Amongst the most important rules are those governing the maintenance of order and decorum in the Assembly – the rules of debate. The rules of debate relate to the use of acceptable language and gestures; the raising of points of order; and conduct in the House.

The presiding officers, under the authority of the Speaker, are responsible for ensuring that the rules are complied with and must interpret the rules or give “rulings” when required. Rulings by presiding officers form an important part of practice and precedent of the House. Rulings involve the interpretation of rules and their application in particular contexts. A ruling may be made in the absence of a specific provision in the rules. While members are not allowed to question a ruling of a presiding officer, the principle of a ruling can be challenged in the Assembly Rules Committee.

The Assembly adopted the 9th Edition of the Rules of the National Assembly which contains the rules as comprehensively revised and adopted by the Assembly on 26 May 2016.