



## AMENDMENTS TO THE RULES AND ORDERS, 2013 EDITION

(As considered and recommended by the Select Committee on Rules and Orders)

### GENERAL EXPLANATORY NOTE:

[                    ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

#### 1. Rule 9A to be inserted as follows:

##### **9A. Non-interruption of Premier's State of the Province Address and Budget Speeches**

The Premier or Member of the Executive Council must not be interrupted by any member when delivering the State of the Province Address or Budget Speech, as the case maybe.

#### 2. Rule 22 to be amended by the deletion of sub-rule 2, as indicated below:

##### Rule 22

##### **Adjournment due to Absence of Quorum**

**22.** (1) Whenever the Legislature is adjourned due to the absence of a quorum, the time of such adjournment and the names of the members present, must be recorded in the Minutes of Proceedings.

**[22(2) Any member calling the attention of the presiding officer to the absence of a quorum is deemed to be present, whether present or not, when the members are counted.]**

3. Delete and amend Rule 25 to deal with leave of absence of members, as indicated below:

**[Leave of absence for members**

25. (1) A member who wishes to absent himself or herself from the activities of the Legislature, or of any other forum of the Legislature, for three (3) or more consecutive days, must, before so absents himself or herself, obtain leave from the Speaker.
- (2) If such leave is granted, the Speaker must present a report to that effect to the Legislature and such report must be published in the ATC.
- (3) Members must inform their respective Whips in case of any other form of absence.
- (4) There must be deducted from the amount payable to a member (excluding the Premier and the Speaker), an amount equivalent to R2 500.00 for every day on which he or she, without leave of absence, fails to attend a meeting of the Legislature or a committee of which he or she is a member.
- (5) The amount mentioned in sub-rule (4) may only be deducted after informing the member of such deduction affording him or her a right to reply, explaining the absence and provided that a notice of such a meeting was given to a Member in terms of these Rules.]

**Attendance of sittings and meetings**

25 (1) Unless an apology has been made and accepted in terms of sub-rule 25(2), a member must attend -

- (a) sittings of the House;
- (b) committee meetings of the Legislature;
- (c) official seminars, training sessions, and workshops approved by the Speaker or a person delegated by the Speaker;
- (d) NCOP plenaries and select committee meetings, if a member has been designated as a special delegate;
- (e) oversight visits; and
- (f) meetings of other structures or bodies as approved by the Speaker or a person delegated by the Speaker.

25(2) A member wishing to be absent from sittings or meetings mentioned in sub-rule 25(1), must submit a written apology to the Chairperson of Committees for approval at least twenty four (24) hours before the commencement of the sitting or meeting, and the Chairperson of Committees must after approval inform the Speaker in the case of sittings or in the case of meetings, the Chairperson of a meeting in writing, of such apology.

25(3) No apology may be accepted by a meeting if it is not approved by the Chairperson of Committees.

25(4) If a member fails to attend a sitting or meeting mentioned in sub-rule 25(1) without submitting a valid apology in terms of sub-rules 25(2), which has been accepted, or to remain for at least two thirds of the duration of the meeting, an amount of R2 500,00 must be deducted from that member's salary for each sitting or meeting from which a member is absent or does not remain for at least two thirds of the duration of the meeting.

25(5) The deduction of the amount of R2 500,00 mentioned in sub-rule 25(4) does not apply to the Premier and the Speaker.

25(6) A Presiding Officer of the House, Chairperson of a Committee or other meeting mentioned in sub-rule 25(1) must certify the attendance register of every meeting, indicating members absent with or without apology.

25(7) The amount mentioned in sub-rule **[(4)] (6)** may only be deducted after informing the member of such deduction affording him or her a right to reply, explaining the absence and provided that a notice of such a meeting was given to a Member in terms of these Rules.

25(8) The Speaker must after consulting with the whip to which the relevant member belongs and the Chairperson of Committees, approve the leave of a member who wishes to be absent from sittings or meetings mentioned in sub-rule 25(1) for twenty (20) or more consecutive working days.

25(9) If leave of twenty (20) or more consecutive working days is granted, the Speaker must present a report to that effect to the Legislature which must be published in the ATC.

## Loss of membership of the Legislature

25 ~~[(6)]~~ ~~(10)~~ A member loses membership of the Legislature if that member—

- (a) ceases to be eligible in terms of the Constitution;
- (b) is absent from the Legislature, or Committee meetings on which such member serves without permission for twenty five (25) or more consecutive working days [in circumstances for which these Rules prescribe loss of membership]; or
- (c) ceases to be a member of the party that nominated him or her as member of the Legislature.

~~[(7)]~~ ~~(11)~~ A member who loses membership of the Legislature has the right to administrative action that is lawful, reasonable and procedurally fair in terms of section 33 of the Constitution.

~~[(8)]~~ ~~(12)~~ Vacancies in the Legislature must be filled in terms of national legislation.

#### 4. Insert a new Rule 25A – C to deal with member’s special leave (maternity leave, family responsibility leave and leave for political work):

##### Members’ Special Leave

##### 25A Maternity leave

- (1) A member may be absent from the Legislature or its committees for a period of three (3) consecutive months maternity leave.
- (2) A member’s absence may commence –
  - (a) at any time from four (4) weeks before the expected date of delivery; or
  - (b) on a date on which a medical practitioner or a midwife certifies that it is necessary for the member’s health or that of her unborn child.
- (3) A member may not be required to attend sittings of the Legislature or its committees for six (6) weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- (4) A member who has a miscarriage during the third trimester of pregnancy or bears a stillborn child may be absent from the Legislature for six (6) weeks after the miscarriage

or stillbirth, whether or not the member had commenced maternity leave at the time of the miscarriage or stillbirth.

- (5) A member must obtain the approval of the Chairperson of Committees who must then notify the Chairperson of the relevant committee and the Speaker of the date on which the member intends to –
- (a) be absent from the Legislature and its committees; or
  - (b) attend sittings of the Legislature and its committees.
- (6) A member must give notification in terms of sub-rule (5) –
- (a) at least four (4) weeks before the member intends to be absent; or
  - (b) if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (7) The Speaker must after receipt of the approval of a member's maternity leave from the Chairperson of Committees inform political parties in writing of the member's absence and cause the leave of absence to be published in the ATC.
- (8) A member must receive full salary and benefits during the absence in terms of this Rule.

### **Family responsibility leave**

**25B (1)** A member may be absent from the Legislature or its committees for a period of three (3) days when –

- (a) a member's child is born; or
- (b) a member's child is sick;

(2) A member may be absent from the Legislature or its committees for a period not exceeding ten (10) working days when a member's spouse, life partner, parent, adoptive parent, grandparent, child, adoptive child, grandchild, mother-in-law, father-in-law or sibling dies.

(3) A member must obtain the approval of the Chairperson of Committees of the date on which the member intends to –

- (a) be absent from the Legislature and its committees; or
- (b) attend sittings of the Legislature and its committees.

(4) A member must complete the leave form and submit written proof in the form of medical certificate, certificate from a traditional healer or death certificate in the case of absence in terms of this Rule, within two (2) working days of returning from the family responsibility leave.

(5) A member must receive full salary and benefits during the absence in terms of this Rule, unless the family responsibility leave is not approved by the Chairperson of Committees.

(6) In the case of non-approval of the leave in terms of subrule (5) the leave must be regarded as unpaid leave and the Speaker and the Secretary must be informed in writing.

### **25C Leave for political work**

(1) Members must utilise Mondays for political work.

(2) Attending of political work between Tuesdays and Fridays which are days for committee work and sittings shall be approved in exceptional circumstances, and in the case of such approval by the Chairperson of Committees after consultation with the Speaker, the approved days shall not be more than five (5) per quarter.

(3) A member may not go on leave for political work, unless the leave has been approved in terms of sub-rule (2).

## **5. Inserting of Rule 26A regarding Sectoral Parliaments**

### **26A Sectoral Parliaments**

(1) The Rules Committee must not later than October of each year determine which Sectoral Parliaments must be held by the Legislature.

(2) A maximum of four (4) Sectoral Parliaments must be held in a financial year, and the determination must take into consideration the demographics of the province.

(3) Sectoral Parliaments must be held on the dates determined by the Programming and Prioritisation Committee.

(4) The Select Committee on Public Participation, Petitions and Members' Legislative

Proposal Committee must ensure the implementation of Sector Parliament in terms of rule 143.

- (5) Members of the Executive Council must attend the Sectoral Parliaments on the determined dates.
- (6) Sectoral Parliaments may be held at the Legislature, or such other places as determined by the Programming and Prioritisation Committee.
- (7) The Legislature may assist the public to attend Sectoral Parliaments.
- (8) The Speaker must ensure that a report with Resolutions on each Sectoral Parliament held by the Legislature is prepared and tabled in the House by the responsible Chairperson of a committee for consideration and adoption within thirty (30) calendar days from the date on which the Sectoral Parliament was held.
- (9) An adopted report of the Sectoral Parliament must be referred to the relevant organ of state for implementation and also to the relevant portfolio or select committee of the Legislature to monitor the implementation of the Resolutions.
- (10) At a subsequent similar Sectoral Parliament, the Member of the Executive Council to which the report was referred must table the progress report on the implementation of the Resolutions contained in the previously adopted report.

**6. Amend Rule 34 by the insertion of Rule 34(11) and 34(15) as follows:**

**[34(11) A member may not call another member by name only]**

34(11) A member may not refer to another member by his or her first name, but by surname only, which must always be prefixed by, "Honourable..."

34(15) In keeping with the decorum of the House, members must wear dignified and presentable attire when attending sittings and committee meetings. Any items that may be dangerous or harmful to the body of other persons are not allowed.

## **7. Amendment of Rule 40A (11) and (12) as adopted in September 2015 to align with developments in case law**

### **40A. Removal of member from Chamber**

- (1) If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Rule 40, the presiding officer must in terms of rule 24(2) instruct the Sergeant-at-Arms to remove the member from the Chamber forthwith.
- (2) If the Sergeant-at-Arms is unable in person to effect the removal of the member, the presiding officer may call upon the Legislature Protection Services to assist in removing the member from the Chamber.
- (3) A member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for that day's sitting, and may not enter the Chamber for the duration of the suspension.
- (4) The presiding officer may make a ruling at the next sitting on whether the member who has been suspended may be suspended for a further period as determined in Rules 41 and 43.
- (5) If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Sergeant-at-Arms and the Legislature Protection Services may use such force as may be reasonably necessary to overcome any resistance.
- (6) No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.
- (7) Any member or members who contravene subrule (5) may, on the instruction of the presiding officer, also be summarily removed from the Chamber forthwith.
- (8) If proceedings are suspended for the purposes of removing a member or members, all other members must remain seated or resume their seats, unless otherwise directed by the presiding officer.
- (9) When entering the Chamber on the instruction of the presiding officer —
  - (a) Members of the Legislature Protection Services may not be armed; and
  - (b) Members of the security services may not be armed, except in extraordinary circumstances in terms of security policy.

(10) A member who has been removed from the Chamber will be escorted by the Legislature Protection Services personnel and will not be allowed to enter the Chamber or precincts of the Legislature as the Rules prescribe.

**[(11) In the event of violence, or a reasonable prospect of violence or serious disruption ensuing in the Chamber as a result of a member resisting removal, the presiding officer may suspend proceedings, and members of the security services may be called upon by the presiding officer to assist with the removal of such member from the Chamber and the precincts of the Legislature forthwith in terms of Section 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act No 4 of 2004 (“the Act”), or may intervene directly anywhere in the precincts in terms of section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.]**

(12) The House may approve Standard Operating Procedures, recommended by the Rules Committee, for the exercise of this function, in particular in relation to the use of the Legislature Protection Services. **[and members of the security services for this purpose].**

## **8. Amend Rule 83 regarding notices of motions as stated below:**

### **Motions without Notice**

- 83.** (1) Every motion requires a notice except a motion-
- (a) amending a draft resolution in terms of these Rules;
  - (b) for the postponement or discharge of, or giving precedence to, an order of the day;
  - (c) referring a Bill to a Committee;
  - (d) raising a point of order or a question of privilege;
  - (e) by the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded;

- (f) specially excepted by these Rules; or
  - (g) in regard to which notice is dispensed with by a unanimous concurrence of all the members present.
- (2) To introduce a motion without notice, a member must read the motion out loud.
- (3) A motion without notice must be considered by the House immediately.
- (4) Members may be recognised by the presiding officer to move a motion without notice on any matter for not more than two minutes.
- (5) Members of each party are entitled to move a motion without notice, minority parties being given an opportunity to participate in a manner consistent with democracy.
- (6) If a member, for whatever reason, during the sequence of proceedings, fails to utilise the opportunity to move a motion without notice, the party to which that member belongs forfeits that opportunity.
- (7) Members of various parties must be recognised in the order of their representation in the Legislature.
- (8) The process in sub-rule (7) must continue until motions without notice are exhausted or five motions without notice have been moved, whichever occurs first.

## **9. Amendment of Rule 84 dealing with notices of motion**

### **Notice of Motion**

- 84.** (1) When giving notice of motion a member must –
- (a) read it aloud and deliver at the Table a signed copy of the notice; or
  - (b) deliver to the Secretary a signed copy of the notice on any working day of the Legislature for placing on the Order Paper.
- (2) Written notices of motion delivered to the Secretary after 12:00 on any working day of the Legislature may be placed on the Order Paper of the second sitting after the notice was delivered unless the Speaker determines otherwise.

(3) Members moving a notice of motion in terms of rule 84(1)(b) may be recognised by the presiding officer to move such notice of motion for not more than three (3) minutes.

(4) Members of each party are entitled to move a notice of motion in terms of subrule (3), minority parties being given an opportunity to participate in a manner consistent with democracy.

(5) If a member, for whatever reason, during the sequence of proceedings, fails to utilise the opportunity to move a notice of motion, the party to which that member belongs forfeits that opportunity.

(6) Members of various parties must be recognised in the order of their representation in the Legislature.

(7) The process in sub-rule (6) must continue until notices of motion are exhausted or five notices of motion have been moved, whichever occurs first.

## **10. Insertion of a new Rule 89A to provide guidelines for motions:**

### **89A: Guidelines for motions**

The following are guidelines for motions without notice, notices of motion and motions of condolence.

#### **Motions without Notice**

##### Guidelines for motions without notice

1. A motion which otherwise require notice, may be moved without notice provided not a single member present objects.
2. It is common practice, but not required to consult the other parties before the House meets when seeking to move a motion without notice, and to inform the presiding officer of the intention to do so.
3. Motions without notice are to be moved when the presiding officer calls any formal motions in terms of Rule 83, usually near the beginning of the day's sitting.
4. A signed copy must be presented at the Table.
5. When a motion is moved without notice, the presiding officer gives members the opportunity to object. If there is any objection, the motion is not moved. In this case it may instead be converted to a notice of motion.

## **Notice of Motion**

The Rules provide for two types of motions to come before the House, namely subjects for discussion (debate only) and draft resolution for consideration (decision with or without debate).

### (a) General guidelines for notices of motion

1. Notices of motion should be limited to matters that members specifically intend should be brought before the Legislature for debate or decision.
2. With some exceptions (listed below) notice must be given of every motion, since in principle the House must be informed in advance of any substantive motion, to give members and parties time to prepare to debate it.
3. Giving notice of a motion can only be dispensed with provided each and every member present in the Legislature agrees.
4. Exceptions: the following motions do not require notice:
  - (a) amending a draft resolution in terms of the Rules;
  - (b) For the postponement or discharge of, or giving precedence to, an order of the day;
  - (c) Raising a point of order or a question of privilege;
  - (d) For the postponement or discharge of, or giving precedence to, an order of the day;
  - (e) Referring a Bill to a committee;
  - (f) By the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded; or
  - (g) In regard to which notice is dispensed with by the unanimous concurrence of all the members present.
5. Contingent notices: Members may give contingent notices of motion, that is, notices that particular motions will be moved contingent upon some event occurring in the course of proceedings of the Legislature, such as the moving of another motion.
6. Speaker may amend notices: the Speaker may amend or otherwise deal with a notice of motion which offends against practice or the Rules.

7. A practice has been developed of not amending offending notices but ruling them out of order and referring them back to the member concerned.

(b) Procedure

1. Notices can be given of a motion by reading the motion aloud in the Legislature when the presiding officer calls for notices of motion, or by delivering to the Secretary a signed copy of the notice on any working day.
2. The permission of the Legislature is required to give oral notice of a motion at any time.
3. Having given oral notice of motion in the House, a member is required immediately afterward to deliver to the Table a signed, written copy of that notice.
4. If the signed version differs from the oral version, the written version is treated as a standard written notice of motion, while the verbal notice is not placed on the Order Paper and the member is advised accordingly.
5. If authorised to do so, a member may give notice of a motion on behalf of another member.
6. Oral notice of motion given on any sitting day by agreement and on the Speaker's authority, will appear on the Order Paper at a sitting as determined by the Legislature's Select Committee on Programming and Prioritisation.
7. A written notice of motion received by the Secretary before 12:00 on any day will appear on the Order Paper at a sitting as determined by the Legislature's Select Committee on Programming and Prioritisation.
8. When notice has been given of a motion, the full text is printed on the Order Paper once. Thereafter it is listed as a page reference under Further Business, until it is programmed for debate when it will once be published in full.
9. Notices of motion shall lapse six (6) weeks after the notice was given.

(c) Draft resolution

Draft resolutions may further be divided into:

Substantive motions, which are independent, self-contained proposals concerning a concrete item of business.

Formal motions, which are substantive motions of a specifically procedural nature, including motions to amend sitting hours, to postpone or give precedence to an order of the day. As they normally deal with the business of the House, they are usually introduced by the Chief Whip of the majority party.

Motion which has constitutional consequences: Another form of draft resolution which may be distinguished is a motion, adoption of which has constitutional consequences. Examples are a motion of no confidence in terms of section 141 of the Constitution, or a motion to dissolve in terms of section 109.

(d) Guidelines for draft resolutions

Generally, draft resolutions should be short and succinct and framed so as to express with as much clarity as possible the distinct opinion or decision of the House.

A draft resolution-

- i. Must deal with matters within the competence of the Legislature,
- ii. Must deal with only one substantive matter,
- iii. Must consist of a clear and succinct proposed resolution or order of the House. Any extraneous matter to motivate a decision should be omitted, and can be put forward when the member introduces the motion in the House,
- iv. Must not contain statements, quotations or other matters not strictly necessary to make the proposed resolution or order intelligible,
- v. Is subject to the Rule of Anticipation. A notice of motion on the Order Paper on a particular topic will therefore block all other notices on substantively the same topic,
- vi. May not be the same in substance as a draft resolution that has been approved or rejected during the same session,
- vii. May not contain unbecoming or offensive expressions,
- viii. May not issue an instruction to the Executive Council,
- ix. Should observe the principles of co-operative government (Chapter 3 of the Constitution), and
- x. Must be handed to the Table immediately after notice has been given in the House (a written signed copy).

Rules of debate apply: all motions are subject to the rules of debate of the House, including the rule on offensive language and the *sub judice* rule.

(e) Subject for discussion

1. A subject for discussion provides an opportunity for the House to debate a particular topic without the House being required, at the end of the debate, to take a decision.

2. The wording of a subject for discussion should be clearly established. The wording determines the scope and focus of the debate. A topic that is too vague or broad will lead to an unstructured general debate.
3. A member proposing such a motion should identify it as a subject for discussion.
4. A motion proposing a subject for discussion also requires prior notice.

### **Motions of condolence**

1. The Legislature should always stand to acknowledge the passing of a serving member of the House but this should be accompanied by an appropriate motion on the Order Paper and a debate.
2. The Legislature should stand to acknowledge the passing of a former member of the House (after 1994). A debate on the motion will only take place on the recommendation of the Whips' Forum to the Select Committee Programming and Prioritisation.
3. The Legislature should stand and consider and debate a motion, placed on the Order Paper, to acknowledge the passing of a prominent person. Discretion would have to be exercised in terms of deciding who qualifies as a prominent person. In each case it may be appropriate for the Speaker to consult the Programming and Prioritisation Committee or Whips' Forum before making such a determination. One criterion to consider maybe a person's citizenship of South Africa.

## **11. Insertion of Rule 93A to make provision for Executive Statements, as stated below:**

### **Executive statements**

**93A** (1) A Member of the Executive Council may make a factual or policy statement relating to government policy, any executive action or other similar matter of which the Legislature should be informed.

(2) Only one executive statement shall be made per sitting and the time allotted to a Member of the Executive Council making an executive statement in terms of sub-rule (1) may not exceed five (5) minutes, unless the Legislature agrees otherwise.

(3) Whenever possible, a copy of an executive statement must be delivered to the leader of each party, or that leader's representative, at or before the time the statement is made in the Legislature.

(4) After any executive statement has been made, the Member of the Executive Council concerned must, if applicable, table a compendium of background information.

(5) Following any executive statement, a member or members of each of the parties represented in the Legislature may in a manner consistent with democracy, comment on the executive statement for not more than three (3) minutes per party, commencing with the official opposition and followed by the other parties in the order of the size of their membership in the Legislature.

**12. Amend Rule 112 to provide for the election of chairperson of a committee:**

**[First meeting] Election of Chairperson of committees**

**112.** (1) The Secretary or any other official designated by him or her, must call and chair the **[first]** meeting of a committee to elect a Chairperson within five (5) working days after the names of the members of the committee have been announced.

**13. Insertion of Rule 115(9) as follows:**

115 (9) The Chairperson of the Committee to which a meeting was cancelled in terms of sub-rule (8) due to the absence of a quorum must ensure that the meeting is rescheduled on the Legislature programme for another date.

**14. Amendment of Rule 190(4) to be in line with:**

- **The Treasury Regulations 5.2 (Part 3) regarding the timeframe for the submission of departmental plans in the Legislature; and**
- **Section 133 of the Constitution and Rule 208 regarding accountability to the Legislature by Members of the Executive Council**

**Budget Procedure**

**190.** (1) The member of the Executive Council responsible for financial matters must table the annual budget for a financial year in the Legislature not later than fourteen (14)

calendar days (two (2) weeks) after the tabling of the national annual budget, unless the Minister responsible for financial matters approves an extension of time for the tabling of a provincial budget.

(2) The member of the Executive Council responsible for financial matters must in writing, forward to the Legislature the letter of approval of extension from the Minister responsible for financial matters, and must thereafter table the annual budget in the Legislature within two weeks of receipt of the letter of approval of extension from the Minister.

(3) An annual budget must be in accordance with a format, as described in section 27(3) of the Public Finance Management Act, 1999, (Act No. 1 of 1999), as amended.

(4) In order to facilitate the annual discussion of individual votes **[After the member of the Executive Council responsible for financial matters has delivered the budget speech, the accounting officer of]** each Member of the Executive Council [department shall] must [within five (5) working days of the delivery of the budget speech, submit] table to the Office of the Speaker its annual performance plan, annual budget, **[annually reviewed]** medium-term strategic plan and any other information relevant thereto, where-after the Speaker must **[shall]** refer the said documents to the relevant portfolio committee for consideration and report back to the House.

(5) The Legislature must receive the documents mentioned in sub-rule (4) –

(a) after the member of the Executive Council responsible for financial matters has tabled the annual budget, and

(b) Ten (10) calendar days prior to the discussion of the department's budget vote by the relevant portfolio committee.

**[(5) The consideration by the portfolio committee shall take place at least five (5) working days before debate on policy and budget speech of a department.]**

(6) The report of the committee shall be circulated to all members **[at least]** two (2) working days before the debate.

**15. Amendment of rule 201(7) regarding ratification of mandates by the House**

(7) The Legislature must ratify the Speaker's conferral of the mandate at the sitting of the House, as determined by the Legislature's Select Committee on Programming and Prioritisation **[during the first sitting of the Legislature, after the conferral by the Speaker]**.

**16. Amendment of Rule 209 to deal with interventions in a municipality in terms of section 139 of the Constitution**

**Submission of interventions in in a municipality in terms of section 139 of the Constitution**

209. (1) Notice of an intervention in a municipality by the Executive Council in terms of section 139 of the Constitution must be tabled in the Legislature within fourteen (14) days after the intervention began.

(2) The Speaker must publish in the ATC any notice received in terms of [section 139 of the Constitution] subrule (1) and also refer the notice to the relevant portfolio committee for consideration and report back to the Legislature.

**17. Amendment of rule 211 by the insertion of sub-rules (3) to (5)**

**Rule 211 Resolutions affecting the Executive Council**

211 (1) The Speaker must communicate resolutions of the Legislature affecting the Executive Council to the Premier and the member of the Executive Council concerned within five (5) working days of the date of such resolution.

(2) The Executive Council must notify the Legislature within fourteen (14) days from the date of receipt of the communication referred to in sub-rule (1) of any action taken in terms of such resolution.

**[(3) The response of the Executive Council in terms of sub-rule (2) must be published in the ATC.]**

211(3) The Speaker must publish in the ATC the response of the Executive Council in terms of sub-rule (2) and refer the report to the relevant portfolio committee for consideration and monitoring of the resolution and report back to the House.

211(4) If the resolution has not been implemented within 30 calendar days or the prescribed period, the relevant MEC must report in writing to the Speaker -

- (a) the reasons for not implementing the resolution;
- (b) the steps undertaken to implement the resolution; and
- (c) the plan to implement the resolution.

211(5) The Premier must provide the Legislature with a report on the action taken by the Executive Council in response to Resolutions of the Legislature affecting the Executive Council within thirty (30) calendar days of the date of communication thereof in terms of this Rule.

## **18. Insertion of Rule 211A to deal with failure to implement House Resolutions**

### **211(A) Failure to implement House Resolutions by the Executive Council**

(1) In order to secure the integrity of the Legislature and comply with the constitutional duties of the Legislature, the Speaker may, on recommendation of a Committee:

- (a) inform the Premier in writing of the relevant MEC's failure to implement the resolutions and request the Premier to intervene on the matter and report back to the Legislature in accordance with section 133 of the Constitution read with Rule 208; or
- (b) instruct a member or official of the Legislature to take the necessary measures within its constitutional power to ensure implementation of the resolutions.

## **19. Amendment of rule 228(2) regarding timeframe on circulation of minutes of the House**

### **Minutes of proceedings**

**228.** (1) The Secretary must cause the proceedings in the Legislature to be minuted and formally recorded in the Minutes of Proceedings.

(2) The Minutes of the proceedings of the House must be circulated to Members **[a day]** within two (2) working days after the sitting.