CHAPTER 8

POWERS AND PRIVILEGES (SENATE AND HOUSE OF ASSEMBLY)

[1] RULES OF PROCEDURE OF THE SENATE

[Commencement 7th January, 1964]

Interpretation.

1. In these Rules —

"Chief Clerk" and "Second Clerk" includes any person for the time being performing the duties of the offices of Chief Clerk or Second Clerk as the case may be;

"Senator presiding" means the President, Vice-President or other Senator presiding at a sitting of the Senate, or the Chairman or other Senator presiding at a sitting of a Committee of the whole Senate as the case may be;

Procedure of House of Lords and House of Commons may apply.

2. In all questions of procedure for which provision is not made in these Rules, the Senate shall follow —

(a) in cases relating to the Senate as a Second Chamber of the Legislature, the Rules, Uses and Practices of the House of Lords; and

(b) in all other cases, the Rules, Uses and Practices of the House of Commons,

insofar as the same are not inconsistent with the Constitution or with these Rules.

Meetings of Senate.

3. (1) During each session of Parliament, the Senate shall meet on the day and at the hour to which it stands adjourned:

Provided that the President, or if the President be absent from The Bahamas, or be incapacitated, or if the office of President be vacant, the Vice-President, may, if in his opinion circumstances so require, summon a meeting of the Senate for a day and hour other than the day and hour to which the Senate stands adjourned, and the Chief Clerk shall notify each Member of the Senate in writing accordingly.

[1] Originally made under section 42 of the Constitution of the Bahama Islands contained in the Schedule to the Bahama Islands Order in Council, 1969 [S.I. 590 of 1969]. See Chapter 8, s. 32.

(2) If the Senate stands adjourned *sine die*, the President, or if the President be absent from The Bahamas, or be incapacitated, or if the office of President be vacant, the Vice-President, shall determine the day and hour for the next meeting of the Senate and the Chief Clerk shall notify each Member of the Senate in writing accordingly:

Provided that if the President and the Vice-President are both absent from The Bahamas, or are both incapacitated, or if the offices of President and Vice-President are vacant, any seven Members of the Senate may, by requisition in writing under their hands, call upon the Chief Clerk to summon a meeting of the Senate for a day and hour to be specified in such requisition and the Chief Clerk shall notify each Member of the Senate in writing accordingly.

Senator presiding.

4. When the hour for a meeting of the Senate shall have arrived, the President or in his absence, the Vice-President, shall take the Chair, and, subject to Rule 5 hereof, the Senate shall proceed to business:

Provided that if the President and the Vice-President are both absent, and if there is a quorum then present, or present within the period of time prescribed by Rule 5 hereof, the Senate shall, in accordance with the provisions of Article 56(1) of the Constitution, elect a Senator (not being a Minister) to preside at that sitting of the Senate, after which the Senator so elected shall take the Chair, and subject to Rule 5 hereof, the Senate shall proceed to business.

Lack of quorum at time Senate meets.

5. If a quorum of the Senate is not present within thirty minutes after the time appointed for a sitting of the Senate, the sitting of the Senate shall stand adjourned to such day and hour as the President, or in his absence, the Vice-President, shall appoint. If both the President and Vice-President are absent, the sitting of the Senate shall stand adjourned until that day week at the same hour.

Lack of quorum during meeting of Senate.

6. If, in accordance with Article 57(1) of the Constitution, the attention of the Senator presiding at a sitting of the Senate is drawn to the absence of a quorum, and if after an interval of fifteen minutes, the Senator presiding ascertains that a quorum of the Senate is still not present, the Senate shall be adjourned to such day and hour as the Senator presiding shall appoint. The provisions of this Rule shall apply *mutatis mutandis* when the Senate is sitting as a Committee of the whole senate.

Entry of adjournment in minutes and notification to members.

7. The Chief Clerk shall enter any adjournment of the Senate or of a committee of the whole Senate in the Minute Book and shall notify each Member of the Senate in writing of the day and hour to which the Senate or the Committee stands adjourned.

Order of business.

8. Unless the Senate shall order otherwise, the business of each sitting of the Senate shall be transacted in the following order —

(1) If the President and Vice-President are both absent, the election of a Senator (not being a Minister) to preside at that sitting.

(2) Reading and confirmation of Minutes.

(3) Communications by the President, or on behalf of the President, if the President be absent.

(4) (a) Communications by Ministers.

(b) Communications by Honourable Members.

(5) Communications by the Chief Clerk.

(6) Messages from His Excellency the Governor-General.

(7) Messages from the House of Assembly.

(8) Questions.

(9) Motions for leave of absence.

(10) Presentation of Petitions.

(11) Appointment of Committees.

(12) Presentation of Reports of Committees.

(13) Adoption of Reports of Committees.

(14) Introduction and first reading of Bills.

(15) Second reading of Bills.

(16) Committal of Bills.

(17) Third reading and passing of Bills.

(18) Recommendations for the amendment of Taxation Bills for consideration by the House of Assembly.

(19) Consideration of amendments from the House of Assembly.

(20) Resolutions.

(21) Notices for subsequent meetings.

(22) Orders for the Chief Clerk.

(23) Adjournment.

Attendance of Clerks.

9. The Clerks shall be in attendance at the Senate Chamber half an hour before the hour to which the Senate stands adjourned.

Chief Clerk to keep Minutes.

10. It shall be the duty of the Chief Clerk to keep correct and full Minutes of the proceedings of the Senate and of all Committees.

Reading and confirmation of Minutes.

11. At every meeting of the Senate the Minutes of the last meeting shall be read, amended, if required, and confirmed by the Senate and signed by the Senator presiding.

Questions of order.

12. The Senator presiding shall decide all questions of order, subject, nevertheless, to the ultimate decision of the Senate should his ruling on any subject be objected to.

Appointment of Chairman and members of Committee.

13. When at a meeting of the Senate a matter is sent to a Committee of the Senate (other than a Committee of the whole Senate), the Senator presiding at that meeting shall nominate and appoint the Chairman and members of that Committee, and any member so appointed shall not be excused save with the assent of the Senate.

Motions.

14. Subject to the provisions of Article 60 of the Constitution, every Senator shall have the right to submit motions for discussion by the Senate, but no motion shall be put from the Chair unless it has been seconded. Any motion may be made orally unless the Senator presiding sees fit to require the same to be in writing. Every motion shall be entered by the Chief Clerk in the Minutes unless the Senate shall otherwise order. After a motion has been made and seconded no other motion shall be made (except for amendment, adjournment or the previous question) until the original motion shall have been put to the vote.

Speeches.

15. The Senator who first rises to speak shall be heard first, and if two or more rise together the Senator presiding shall determine who shall speak first. No Senator is to be interrupted whilst speaking and no Senator shall speak oftener than twice on any motion except in Committee of the whole Senate.

Senator leaving Chamber.

16. After the business of the day is commenced, no Senator shall leave the Chamber without the permission of the Senator presiding.

Chairman of Committee of whole.

17. At the commencement of each Session and during the same if occasion shall require, a Senator (not being a Minister) shall be elected by the Senate to be Chairman of Committees of the whole Senate:

Provided that if the Senator so elected is not present at the same time when the Senate is about to go into a Committee of the whole Senate, or is himself presiding over the Senate at the time, the Senate shall elect another Senator (not being a Minister), who is present and who is not presiding over the Senate at the time, to take the Chair of such Committee of the whole Senate.

Notice of introduction of Bill and other matters.

18. (1) Save as provided in paragraph (2) of this Rule, unless with the assent of a majority of Senators present and voting no Bill shall be introduced, or any of its stages moved, nor shall any Resolution be adopted, agreed to or concurred in without notice of at least one day being given:

Provided that when a Bill is brought to the Senate from the House of Assembly it may be read a first time without any such notice.

(2) Notice shall not be required in respect of the following motions —

(a) a motion for the adjournment of the Senate or of any debate;

(b) a motion for the suspension of a Rule;

(c) a motion for the election of President, Vice-President or of a Senator to preside under Article 56(1) of the Constitution;

(d) a motion for the amendment of any motion;

(e) a motion that the Senate resolves itself into a Committee of the whole Senate;

(f) a motion that a petition be read, printed or referred to a Select Committee;

(g) a motion made in Committee of the whole Senate;

(h) a motion that the Report of a Select Committee be printed;

(i) a motion that the Report of a Select Committee be referred to a Committee of the whole Senate;

(j) a motion to re-commit a Bill.

Bill requires three readings but not more than two readings on one day.

19. No Bill shall pass the Senate until it has had three readings; and, save with the assent of a majority of Senators present and voting, no Bill shall be read more than twice in one day.

Entries in book of notices under Rule 18.

20. The Chief Clerk shall keep a book in which he shall enter all notices given under Rule 18, which book shall be laid on the Table and be accessible at all times to Senators.

Moving stages of Bills, etc., brought up from House of Assembly.

21. When a Bill or Resolution is brought up from the House of Assembly, a Senator who is a Minister or who is one of the Senators appointed to the Senate under Article 39(2) of the Constitution, whether he is or is not a Minister, shall take charge thereof and it shall be the duty of such Senator, without delay, to move the several stages of the Bill or Resolution:

Provided that if such Senator is not present during any stage of such Bill or Resolution, another Senator who is a Minister or who is one of the Senators appointed to the Senate under Article 39(2) of the Constitution, whether he is or is not a Minister, shall take charge of such Bill or Resolution for that stage.

Delay in moving stages of Bill.

22. If in the opinion of a majority of Senators present and voting, the passage of a Bill or Resolution under the provisions of Rule 21 is being unnecessarily delayed, the Senator presiding may appoint any other Senator to proceed with the same.

Irrelevant matter.

23. If a clause or amendment irrelevant to the subject-matter of any Bill, Resolution or Question be offered to the Senate or to a Committee of the whole Senate, the Senator presiding shall decline to put the motion.

Putting question and divisions.

24. (1) Save as provided in paragraph (3) of this Rule, the question shall be put by the Senator presiding and the votes shall be taken by voices aye and no, and the result shall be declared by the Senator presiding stating "The ayes have it" or "The noes have it" as the case may be, but any Senator may challenge the opinion of the Chair by claiming a division.

(2) The following provisions shall apply to the taking of a division —

(a) A division shall be taken by the Chief Clerk asking each Senator separately how he desires to vote and recording the votes accordingly.

(b) In taking the division the names of Senators shall be called in alphabetical order.

(c) When a division is claimed, every Senator present shall, unless he expressly states that he abstains from voting, record his vote either "aye" or "no". The Chief Clerk shall enter in the Minutes the record of each Senator's vote, and shall add a statement of the names (if any) of Senators who abstained from voting.

(d) As soon as the Chief Clerk has recorded the votes he shall hand the record to the Senator presiding who shall state the numbers voting "aye" and "no" respectively and shall declare the result of the division.

(e) If a Senator states that he has voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, but only if such claim has been made as soon as the numbers of votes have been announced, and before the result of the division has been declared. Upon such request the Senator presiding shall either direct the Clerk to alter that Senator's vote or direct that a fresh division shall take place.

Putting question for election of President and election of Senator to preside under Article 56(1) of Constitution.

(3) In the case of the election of a Senator to be President of the Senate when the Senate first meets after a general election as provided by Article 44(1) of the Constitution, or whenever it is necessary to elect a President by reason of a vacancy in the office of President occurring otherwise, or in the case of the election of a Senator to preside at a sitting of the Senate in the absence of the President and the Vice-President as provided by Article 56(1) of the Constitution, the Chief Clerk from his place in the Chamber shall call upon the Senators present to elect a Senator to be President or to elect a Senator to preside at the sitting, as the case may be, and shall put the question. The provisions of paragraphs (1) and (2) of this Rule shall apply, the Chief Clerk exercising the functions of the Senator presiding and the Second Clerk exercising the functions of the Chief Clerk under the said paragraphs.

Procedure for electing President.

(4) An election of President shall be conducted in the following manner —

(a) A Senator having first ascertained that the Senator to be proposed is willing to serve if elected, may, rising in his place, propose a

Senator (not being a Minister) as President, and if that proposition is seconded, the Chief Clerk, if no other Senator is proposed and seconded, shall declare the Senator so proposed and seconded to be President of the Senate.

(b) If another Senator (not being a Minister) willing to serve if elected be proposed and seconded the Chief Clerk shall put the question that the Senator who was first proposed and seconded should be President. If that proposal be agreed to, the Senator so chosen shall be President, but if the proposal should be negatived, the Chief Clerk shall put a like question in respect of the Senator who was secondly proposed and seconded. If that proposal be agreed to, the Senator so chosen shall be President, but if the proposal be negatived, the Chief Clerk shall propose a like question in respect of any other Senator (not being a Minister) who has been proposed and seconded, until the question is carried in favour of one of the Senators so proposed.

Procedure for electing Vice-President.

(5) An election of Vice-President shall be conducted in a similar manner to the election of President, save that the President, or if the President is absent, a Senator elected under Article 56(1) of the Constitution, shall preside and put the question.

Election of Senator to preside under Article 56(1) of the Constitution.

(6) An election of a Senator to preside under Article 56(1) of the Constitution shall be conducted in a similar manner to the election of President.

Amendments to Bills.

25. Whenever a Bill brought up to the Senate from the House of Assembly is amended in Committee, all such amendments shall be entered *in extenso* in the Minutes of the day.

Absent Senator to attend if summoned.

26. At and during each and every sitting of the Senate any absent Senator summoned in writing by the authority of the Senator presiding by order of the Senate shall immediately attend, and should he neglect to do so without assigning some reason which is deemed satisfactory to the Senate, his name shall be entered in the Minutes of the day as absent without leave, and if the same Senator should during the same session absent himself again and refuse or neglect to attend when summoned as aforesaid, it shall be

the duty of the President, or if the President shall be absent from The Bahamas, or be incapacitated, or if the office of President be vacant, of the Vice-President, with the authority of the Senate, to report his absence to the Governor-General.

Books and documents of record.

27. All Journals, Minutes, Books of Record and Documents of the Senate shall be placed in the custody of the Chief Clerk, who shall be responsible for their safe-keeping, and the Chief Clerk shall not, without the particular leave of the Senate, deliver extracts from or copies of such Journals, Minutes, Books of Record or Documents to any person whomsoever, except Senators who may at any time peruse such Journals, Minutes, Books of Record or Documents, and have extracts from or copies thereof.

Reasons for disagreement between Senate and House to be delivered and received by Message.

28. Whenever a disagreement shall take place between the Senate and the House of Assembly on the subject-matter of any Bill or Resolution or proposed amendment thereto, the reasons for the Senate disagreeing shall be delivered by Message to the House of Assembly and the reasons of the House of Assembly for disagreeing shall be delivered by Message to the Senate, without a conference, unless otherwise desired by the House of Assembly or especially ordered by the Senate.

Petitions.

29. All petitions praying for legislative action, other than petitions for grants of money, and any documents in explanation thereof, or upon which it is intended to base legislation, must be laid before the Senate and the House of Assembly.

Invitation cards to enter Senate Chamber.

30. Members of the House of Assembly shall have the right to enter and remain within the Bar of the Senate Chamber during the transaction of business, as well as any other person who shall present to the Chief Clerk a card of invitation signed by a Senator. At the opening or closing of Parliament, no one shall have the right to enter the Senate Chamber unless he presents to the Chief Clerk or Second Clerk a card of invitation signed by the President, or if the President be absent from The Bahamas or be incapacitated or if the office of President be vacant, by the Vice-President:

Provided, however, that in respect of an opening of Parliament immediately following upon a general election, cards of invitation shall be issued by the Chief Clerk under the direction of the last President of the Senate or, if the last President of the Senate is absent from The Bahamas, incapacitated or deceased, under the direction of the last Vice-President of the Senate, and such invitation cards shall be signed by the Chief Clerk. In the event of the last President of the Senate and the last Vice-President of the Senate both being absent from The Bahamas, incapacitated or deceased, the invitation cards shall be issued and signed by the Chief Clerk acting in his discretion.

Permission to representatives of journals to attend sittings.

31. The President, or if the office of President be vacant, or the President be absent from The Bahamas, or be incapacitated. the Vice-President, may grant a general permission to the representative of any journal to attend the sittings of the Senate, provided that if any such journal publishes a report which the President, or if the office of President be vacant or the President be absent from The Bahamas, or be incapacitated, the Vice-President, considers unfair or inaccurate, the President or the Vice-President, as the case may be, may revoke such permission.

Motion for adjournment.

32. A motion for the adjournment of the Senate may be made at any time and shall immediately be decided by a vote of the Senators present and voting.

Disorder.

33. If disorder shall arise during any sitting of the Senate or a Committee of the whole Senate, the sitting may be adjourned by the Senator presiding without question put.

Strangers to withdraw when ordered.

34. Strangers present in the Senate Chamber must withdraw when called upon to do so by the Senator presiding.

Select Committees continue during recess.

35. A Select Committee may continue its investigations and duties although Parliament may not be in session and shall not be dissolved until presentation to the Senate of its report or by the order of the Senate.