

CHAPTER 15 PROVINCIAL BILLS

GENERAL

Initiation of legislation by the House

154. The House may initiate legislation through a committee or a Member.

Introduction of a Bill in the House

155. (1) In terms of section 119 of the Constitution, and subject to sub-Rule (2), compliance with these Rules and any directive issued by the Speaker, the House, through its committees and Members, the Premier or a Minister may introduce a Bill.
- (2) In terms of section 119 of the Constitution, only the member of Cabinet who is responsible for financial matters in the province may introduce a Money Bill in the House.

Same Bill may not be Introduced more than once

156. When a Bill has been passed or rejected during a Sitting, a Bill of the same substance may not be introduced in the House in that Sitting except by leave of the House.

Resumption of Proceedings on a Lapsed Bill

157. (1) The proceedings on any Bill will lapse on the expiry of the term of Parliament under section 108 of the Constitution, or the dissolution of Parliament under section 109 of the Constitution.
- (2) (a) The proceedings on a Bill which lapsed under sub-Rule (1) may, if a general election has not taken place, by Resolution of the House, be placed on the Order Paper during the next Sitting.
- (b) At the discretion of the Speaker, a Bill under paragraph (a) must be proceeded with from the commencement of the particular stage it reached during the preceding Sitting.

Withdrawal of a Bill

158. (1) The Plenary Stage of a Bill consists of the debate and vote on the Bill.
- (2) The Premier, Minister, committee or Member in charge of a Bill may, with the approval of the House, withdraw the Bill at any time before or during the Plenary Stage.

Rejection of a Bill

159. If the House rejects the Plenary Stage of any Bill, it rejects the Bill.

Due Consideration by Committee

160. A committee to which a Bill has been referred may not report to the House on the same day as the Bill was introduced or deemed to have been introduced, except when the Bill has been referred under Rule 177.

Passing of a Bill

161. (1) The House passes a Bill by agreeing to the Plenary Stage.
- (2) In terms of section 112(1)(a) of the Constitution, a majority of the Members must be present before a vote may be taken on a Bill or an amendment to a Bill.

Reading of the short title of a Bill

162. At the conclusion of the Plenary Stage of a Bill, the Secretary must read the short title of the Bill into the record.

Discrepancy in Versions of a Bill

163. (1) The Speaker must report to the House any discrepancy in meaning found between the versions of any Bill in the different official languages of the Province after the Bill has been passed by the House, but before it is presented to the Premier for his or her assent.
- (2) The House may agree to amend the Bill to remove the discrepancy in meaning.
- (3) If the House agrees to an amendment, it is deemed to have agreed to the Plenary Stage of the Bill, as amended.

Minor clerical or typographical errors

164. (1) The Speaker may, after obtaining advice from a Parliamentary Legal Advisor, approve of the correction of minor clerical or typographical errors which do not affect the meaning or intention of the Bill.
- (2) The Speaker must report an amendment effected under sub-Rule (1) to the House on the next Sitting day.

Assent by the Premier

165. (1) When a Bill has been passed by the House, the Secretary must certify and forward to the Premier two copies of the Bill for his or her assent and signature.
- (2) If the Premier has no reservations about the constitutionality of the Bill, he or she must assent to and sign the Bill within 14 days.
- (3) If the Premier has reservations about the constitutionality of the Bill, the procedure prescribed by section 121 of the Constitution must be followed within 30 days.

Application by Members to Constitutional Court

166. In terms of section 122 of the Constitution, Members may apply to the Constitutional Court for an Order declaring that all or part of a Provincial Act is unconstitutional.

Publication of Provincial Acts

167. In terms of section 123 of the Constitution, :
- (a) a Bill assented to and signed by the Premier becomes a provincial Act;
- (b) a provincial Act must be published within 14 days of the assent and signature under paragraph (a); and
- (c) a provincial Act takes effect when published or on a date determined under the Act.

Safekeeping of Provincial Acts

168. (1) The signed copy of a Provincial Act is conclusive evidence of the provisions of that Act.
- (2) After publication of the provincial Act, and in compliance with section 124 of

the Constitution, the Secretary must deliver the signed copy of the Act to the Constitutional Court, for safekeeping.

Access to Bills

169. (1) The Secretary must circulate a list of all Bills, including those referred to the House which fall within the scope of sections 74 to 77 of the Constitution, to all Members on a weekly basis.
- (2) The Secretary must ensure that copies of all Bills, including those referred to in sections 74 to 77 of the Constitution, and the explanatory memorandums thereon, are available in the libraries of the House.

BILLS OTHER THAN MONEY BILLS

Submission of Bill to Speaker

170. (1) A Bill must be submitted by a Member or committee to the Speaker in the form in which it is to be introduced, in English, Afrikaans and isiZulu, the two translations of the Bill from the original language in which it was drafted to be accompanied by certificates from sworn translators, certifying that they are true and correct translations.
- (2) Together with the Bill, the Member or committee must submit to the Speaker the Treasury certificate, the certificate of the law advisor, and an explanatory memorandum.
- (3) The explanatory memorandum must be drafted in simple and clear language, in English, Afrikaans and isiZulu, setting out the following :
- (a) a list of interested and affected parties consulted with and / or who made representations on the proposed Bill;
 - (b) the objects and principles of the Bill;
 - (c) the financial implications of the Bill, inclusive of any comment from Treasury;
 - (d) a clause-by-clause explanation of the content of the Bill;
 - (e) a list of any associated legislation which is to be amended, repealed, substituted or consolidated; and
 - (f) any other information deemed relevant by the introducing Member or committee.

The above memorandum is referred to in these Rules as “the explanatory memorandum”.

- (4) The Portfolio Committee considering the Bill may require the Member or committee to submit the following additional information :
- (a) a brief social impact statement listing the possible effects of the Bill, with due consideration for the Bill of Rights in Chapter 2 of the Constitution; and/or
 - (b) a brief environmental impact statement.

Publication of Bill Prior to Introduction

171. (1) Subject to Rule 172, a Member or committee may not introduce a Bill, with the exception of a Money Bill, in the House unless it has first been published by the Secretary in the Provincial Gazette.
- (2) When a Bill is published in terms of sub-Rule (1), it must appear in the Provincial Gazette in the form in which it is to be introduced, and must be accompanied by :
- (a) the explanatory memorandum; and
 - (b) a notice -
 - (i) inviting interested persons and institutions to submit written representations on the Bill to the Portfolio Committee specified in the notice; and
 - (ii) specifying a date not less than 21 days from the date of publication in the Provincial Gazette by which any representations are to be received by the Portfolio Committee.

Certification of an Urgent Bill

172. (1) A Member who is of the opinion that a Bill which he or she wishes to introduce is urgent and that its delay may prejudice the public must submit to the Speaker:
- (a) the documentation required under Rule 170; and
 - (b) a written motivation for the Member’s opinion.
- (2) If the Speaker is satisfied that the Bill is urgent, he or she must :
- (a) condone the non-publication of the Bill;

- (b) provide a copy of the certificate of urgency to the Member; and
- (c) provide the original certificate of urgency and the documentation under sub-Rule (1)(a) to the Secretary.

Introduction of a Bill

173. (1) The Speaker must refer a Bill submitted under Rule 170 to the appropriate committee.
- (2) (a) Subject to paragraph (b), the Bill submitted to the Speaker under Rule 170, together with the explanatory memorandum, must be forwarded by the Secretary to each member of the committee at least fourteen days before the date appointed for the committee meeting on consideration of the Bill.
 - (b) The Speaker, in consultation with *the Chief Whips, who must have consulted with the Whips of every party not entitled to a Chief Whip and the Party Representatives*, may reduce the number of days provided for in paragraph (a).
- (3) *A Bill is deemed to be introduced in the House on the date of the first meeting of the committee to consider the Bill.*
- (4) The Secretary must cause a list of the short titles of the Bills introduced to be published in the Provincial Gazette on a monthly basis.

Report to the House

174. The committee to which a Bill has been referred must present to the House :
- (a) the Bill as referred to it, failing which, an amended Bill;
 - (b) the explanatory memorandum on the Bill, as amended; and
 - (c) the report of the committee.

Bill placed on Order Paper for Plenary Stage

175. A Bill which has been presented to the House under Rule 174 must be placed on the Order Paper for the Plenary Stage.

Debate on Plenary Stage of Bill

176. (1) The debate on the Plenary Stage of a Bill must be confined to the objects and principles of the Bill.
- (2) The debate on the Plenary Stage of an amendment Bill must be confined to the objects and principles of the proposed amendments to the principal Act and other relevant amendments.
- (3) A motion may not be moved during the debate.

Amendments during Plenary Stage Debate

177. (1) (a) A Member may, during the course of the Plenary Stage debate on a Bill, propose an amendment in writing, without notice.
- (b) The Speaker must, on completion of the debate and without putting the question, recommit the Bill to the committee which considered the Bill.
- (c) The committee must consider only the clauses in respect of which amendments have been proposed during the debate and consequential amendments.
- (2) An amendment which has the same effect as an amendment previously rejected in the committee which considered the Bill may not be moved under this Rule.
- (3) A Bill cannot be recommitted to a committee more than once.

Report to and Decision of House on Amendments arising from Recommittal

178. (1) A committee to which a Bill has been recommitted for reconsideration must :
- (a) present the Bill and the committee report to the House;
- (b) specify in the report :
- (i) each amendment proposed during the Plenary Stage debate agreed to by the committee; and
- (ii) each amendment proposed during the Plenary Stage debate but rejected by the committee.
- (2) The report of the committee must be placed on the Order Paper for consideration of the amendments agreed to by the committee.
- (3) Any amendment which is specified in the report as having been proposed during the Plenary Stage debate but rejected by the committee may be moved in the House as a motion without notice for debate.

- (3) The debate on the amendments must not exceed the time allocated for it by the Speaker after consultation with the *Chief Whips, who must have consulted with the Whips and Party Representatives.*
- (4) The House must first decide on the amendments and thereafter on the Plenary Stage of the Bill, with or without amendments.

MONEY BILLS

GENERAL

Procedure to be followed when Considering a Money Bill

179. The procedure to be followed when considering a Money Bill is as set out in Rules 180 to 184.

Introduction of Money Bills

180. In terms of section 119 of the Constitution, only the provincial Minister of Finance may introduce a Money Bill, and he or she may :
- (a) deliver an introductory speech and thereafter submit to the Speaker a copy of the Bill and the explanatory memorandum; or
 - (b) submit the Bill to the Speaker together with the explanatory memorandum.

Referral of Bill to Portfolio Committee

181. (1) On the day on which a Money Bill is introduced, the Speaker must refer the Bill, the introductory speech and any other supporting documents to the Portfolio Committee or Committees concerned for deliberation.
- (2) The committee must report to the House on a day determined by the Speaker.

Bill placed on Order Paper for Plenary Stage

182. After consideration of the committee report by the House, the Secretary must place the Money Bill on the Order Paper for the Plenary Stage.

Consideration of Schedules, Votes and Supplementary Estimates to Money Bill

183. The question on the Plenary Stage of a Money Bill may not be put until any Schedule, vote or supplementary estimate has been debated and voted upon.

Plenary Stage of Money Bill

184. A Money Bill is passed when the House agrees to the Plenary Stage.

PRIVATE MEMBERS' LEGISLATIVE PROPOSALS

A BILL INITIATED BY A MEMBER IN AN INDIVIDUAL CAPACITY

Submission of Legislative Proposal to Speaker

185. (1) A Member who wishes to introduce a Bill in the House in an individual capacity must submit to the Speaker a memorandum, in any of the eleven official languages recognised in section 6(1) of the Constitution, which :
- (a) sets out the particulars of the proposed legislation;
 - (b) explains the objects of the proposed legislation; and
 - (c) states whether the proposed legislation will have financial or other implications for the State and, if so, whether those implications may be a determining factor when the proposed legislation is considered.
- (2) The Speaker must ensure that the memorandum is translated into English, Afrikaans and isiZulu, and thereafter certified by a sworn translator as a true and correct translation of the original memorandum.
- (3) The Speaker must table the Member's memorandum as translated under sub-Rule (2) in the House.
- (4) The Private Member's Legislative Proposal must continue to appear on the Order Paper, noting the progress made under these Rules, until the Bill has been finalised by the passing, rejection or withdrawal of the Bill.

Referral of proposals to Committee

186. (1) The Speaker must refer the Member's translated memorandum in respect of a legislative proposal to the Standing Committee on Private Members' Legislative Proposals, Pensions and Petitions.

- (2) The Committee :
 - (a) must consider the provincial legislative competency in respect of the subject matter of the legislative proposal;
 - (b) may consult the Portfolio Committee within whose portfolio the proposal falls; and
 - (c) must decide on the constitutionality of the legislative proposal.
- (3) If the Committee is of the view that the Member's proposal warrants further investigation, but that it may have financial or other implications for the State which may be significant enough to affect its desirability, the Committee must request the Finance Portfolio Committee and the Department of Finance to report on the financial and other implications of the proposal.
- (4) After considering the Member's memorandum, and the reports of the Finance Portfolio Committee and the Department of Finance, the Committee must recommend that permission be :
 - (a) granted to the Member to proceed with the proposed legislation; or
 - (b) refused, in which event the Committee must provide written reasons for its decision.
- (5) If the Committee recommends that the proposed legislation be proceeded with, it may:
 - (a) express itself on the desirability of the principle of the proposal;
 - (b) recommend that the House approve the Member's proposal in principle; or
 - (c) recommend that permission be given subject to conditions.

Consideration of Legislative Proposal by the House

187. (1) The Standing Committee on Private Members' Legislative Proposals, Pensions and Petitions must table in the House the Member's memorandum as translated under Rule 185(2) and the Committee's recommendation, including any views of the Finance Portfolio Committee and the Department of Finance on the financial or other implications of the proposal.
- (2) The Speaker must place the Committee's report, together with the Member's proposal, on the Order Paper for debate.
- (3) The Private Member's Legislative Proposal must be debated in the House.

- (4) The Member introducing the legislative proposal must introduce the proposal, explain its objectives and motivate for the proposal to be accepted.
- (5) The Presiding Officer must call Members to debate in accordance with a Speaker's List.
- (6) The Member introducing the legislative proposal must reply to the debate.
- (7) After conclusion of the debate, the House must decide by a vote whether to :
 - (a) refuse permission for the legislative proposal to be proceeded with by virtue of the proposal being unconstitutional, undesirable, vexatious or frivolous;
 - (b) give permission that the proposal be proceeded with;
 - (c) refer the proposal back to the Committee or to a Portfolio Committee for a further report; or
 - (d) defer the matter to a date determined by the House.
- (8) If the House gives permission for the proposal to be proceeded with, it may:
 - (a) express itself on the desirability of the proposal; and
 - (b) subject its permission to conditions.

Preparation of draft Bill

188. (1) If the House approves a proposal, the relevant Portfolio Committee, with the co-operation of the Member concerned, must :
- (a) prepare a draft Bill and an explanatory memorandum which comply with the requirements of these Rules; and
 - (b) comply with Rule 171.
- (2) When the Portfolio Committee discusses the Private Member's Legislative Proposal, the Private Member must be accorded full rights as a member of that committee.
- (3) The Portfolio Committee may request the assistance of the Directorate of Legal Services in fulfilling its obligations under sub-Rule (1).

Procedure in respect of draft Bill

189. Rules 172 to 178 apply to the draft Bill, with the necessary changes.

HOUSE OF TRADITIONAL LEADERS

Advice of the House of Traditional Leaders

190. (1) When the House is sitting, the House may, by way of a motion, request advice from the House of Traditional Leaders in respect of any matter relating to traditional authorities, indigenous law or the traditions and customs of traditional communities in the Province.
- (2) When the House is not sitting, a request for advice must be approved by the Speaker after consultation with the Rules Committee.
- (3) A document referred to the House for comment may be referred by the Speaker to the House of Traditional Leaders for advice.
- (4) The Secretary must submit a written request for advice to the House of Traditional Leaders within 3 days from the date of the adoption of the motion, or approval by the Speaker.
- (5) Advice received from the House of Traditional Leaders, whether on request, or under section 4 of the House of Traditional Leaders Act, 1994 (KZN Act No. 7 of 1994), must be referred to the Portfolio Committee established under these Rules.

Referral of Bills to the House of Traditional Leaders

191. (1) (a) The committee to which a Bill introduced in the House is referred, must consider whether the Bill pertains to traditional authorities, indigenous law, traditions and customs, or any other matter having a bearing on traditional affairs, and if so, must refer the Bill to the House of Traditional Leaders for comment.
- (b) If the committee is uncertain as to its decision under paragraph (a), the committee must refer the Bill to the Speaker for decision and possible referral to the House of Traditional Leaders.
- (2) The Secretary must submit a Bill referred to the House of Traditional Leaders to the Chairperson of the House of Traditional Leaders within seven days of a decision taken under sub-Rule (1).

Support of or Opposition to Bill

192. (1) The House of Traditional Leaders must, within 30 days of receipt, indicate in writing to the House its support for or opposition to the Bill, together with any comments.

- (2) If the House of Traditional Leaders indicates its opposition to a Bill under sub-Rule (1), the House may not proceed with the Bill before the expiry of 30 days from receipt of notification by the Speaker.
- (3) The committee to which the Bill was referred must, during the period under sub-Rule (2), consider comments made by the House of Traditional Leaders, and invite members of the House of Traditional Leaders and other interested parties to make representations to the committee.
- (4) If the House of Traditional Leaders fails to act under sub-Rule (1), the House may proceed with the Bill.

INTERPELLATIONS

Notice

193. Except with the prior consent of the Speaker, :

- (a) a Member wishing to make an Interpellation must briefly set out the matter to be debated in writing and submit it to a Whip or Party Representative; and
- (b) the Extended Whips' Committee must :
 - (i) meet to consider whether the Interpellation is to be placed on the Question Paper for debate; and
 - (ii) give the Secretary and the relevant Minister seven days' notice by delivering a copy of the Interpellation to them.

Interpellation on a matter of Urgent Public Importance

194. The Speaker may, in consultation with *the Chief Whips, who must have consulted with the Whips of every party not entitled to a Chief Whip and the Party Representatives*, consent to waive the notice period under Rule 193(b)(ii) in respect of an Interpellation on a matter of urgent public importance.

Time Allocated

195. (1) The time allocated for Interpellations is at the discretion of the Speaker, b u t may not be more than thirty minutes.
- (2) An Interpellation must appear first on the Question Paper.

Procedure

196. (1) An Interpellation debate must not exceed fifteen minutes.
- (2) The responsible Minister must reply to the Interpellation in a speech not exceeding three minutes.
- (3) The interpellant must respond to the Minister's reply in a speech not exceeding three minutes.
- (4) The Interpellant is entitled to an additional reply not exceeding one minute, at the close of the debate but prior to the Minister's reply.
- (5) (a) Subject to paragraph (b), in the remainder of the allotted fifteen minutes, the Minister and other Members may speak for up to two minutes at a time.
- (b) In addition to his or her reply, the Minister may only speak on one further occasion during the debate.

QUESTIONS

GENERAL

Placing and Arrangement

197. (1) A Member may put a question to the Premier or a Minister, for reply, concerning any measure pending in Parliament, or any other public business, but the question must not be put in a manner which involves argument, inference or imputation.
- (2) A Member must give *ten* days' notice of a question for oral or written reply before the question may be placed on the Question Paper, by submitting a legible copy of the question to the Secretary.
- (3) The Secretary must place the questions on the Question Paper in the order in which they are received by him or her, to be dealt with at the next Sitting.
- (4) The Secretary must maintain, on a weekly basis, a record of all replies to questions received by him or her.

QUESTIONS FOR ORAL REPLY

Form of questions

198. (1) (a) A question must specify that it is intended for oral reply.
- (b) The Speaker may direct that a question which, in his or her opinion merits a reply of a statistical nature, is placed on the Question Paper for written reply.
- (2) A question for oral reply may contain a maximum of five sub-divisions.
- (3) A Member may ask a maximum of two questions for oral reply per *Sitting which includes in the order of business a Question Paper*.
- (4) (a) *One* Member may ask a follow-up question.
- (b) The Speaker may permit *the Member referred to in paragraph (a) or any other Member* to ask one further follow-up question.
- (5) Sub-Rules (1), (2) and (3) are not applicable to questions for written reply placed on the Order Paper for oral reply under Rule 203(4).

Order of Questions for Oral reply

199. A question for oral reply must be dealt with in the following order :
- (a) a question to the Premier standing over from a previous question day;
- (b) a new question to the Premier;
- (c) a question to a Minister standing over from a previous question day; and
- (d) a new question to a Minister.

Times Allocated

200. (1) (a) Questions for oral reply must be placed after Interpellations on the Question Paper.
- (b) Any unused time allocated for Interpellation may be used for replies to questions.
- (2) The time allocated for questions is at the discretion of the Speaker, but may not be less than thirty minutes.

Copy of Oral Reply to be supplied in Writing

201. (1) The Premier or Minister must furnish the Secretary with a written copy of the oral reply to be given to a question on or before the day set down for the oral reply,

irrespective of whether the oral reply is given in the House on that day.

- (2) The Secretary must, on the day on which an oral reply is given, furnish the Member who put the question with the written copy contemplated under sub-Rule (1).

Unanswered Questions for Oral Reply

202. (1) If the Premier or a Minister fails to reply to a question for oral reply, that question must be placed on the Order Paper for oral reply before the adjournment of the House at the end of that Sitting.
- (2) If the Premier or Minister fails to comply with sub-Rule (1), the Presiding Officer must refer the matter to the Discipline and Ethics Standing Committee to be dealt with under Rule 70.

QUESTIONS FOR WRITTEN REPLY

Form of Questions

203. (1) A question for written reply may contain a maximum of fifteen sub-divisions.
- (2) A Member may submit a maximum of *four* questions for written reply per week.
- (3) (a) The Premier or responsible Minister must submit his or her written reply to the question to the Secretary within *fourteen* days of receipt of the question.
- (b) The Secretary must, immediately on receipt of the reply, forward a copy to the Member who submitted the question.
- (c) *The Secretary must, within seven days of receipt of the reply, forward a copy to every Member.*
- (4) (a) The Secretary must place a question for written reply in respect of which no reply has been received under sub-Rule (3) on the Order Paper for oral reply.
- (b) The Rules relating to questions for oral reply are applicable, with the necessary changes.

RESOLUTIONS OF THE HOUSE

Determination of a Sanction by Resolution

204. (1) The House may, by Resolution, :
- (a) debate a report of the Discipline and Ethics Standing Committee; and
 - (b) impose a sanction, including the imposition of a fine.
- (2) Any moneys payable in the form of a fine must be paid :
- (a) by the person responsible to the Speaker, through the Secretary; and
 - (b) by the Secretary into the Provincial Revenue Fund.

Remission of a Fine or Discharge of a person by Resolution

205. The House may, by Resolution, :
- (a) remit a fine or a portion of a fine; or
 - (b) discharge the commitment of any person.

Register of Resolutions

206. The Secretary must :
- (a) keep a register of Resolutions of the House;
 - (b) on implementation of a Resolution, immediately record the implementation date of that Resolution in the register; and
 - (c) ensure that a copy of the Register is available in both libraries of the House.

Resolutions affecting Cabinet or any other Person or body

207. (1) The Secretary must communicate a Resolution of the House affecting Cabinet, a person or body to the Premier, that person or body, respectively, in writing, within seven days.
- (2) The Secretary must take all necessary steps to *ensure that* a Resolution of the House *is given effect to*.
- (3) The Secretary must table a written progress report to Parliament through the Speaker on a quarterly basis, including copies of the pages of the register of Resolutions under Rule 206 relevant to that quarter.
- (4) The Premier must table in Parliament a written progress report on the implementation of Resolutions pertaining to Cabinet, on a quarterly basis.

WITNESSES

Evidence of Witnesses

209. (1) A committee which resolves to exercise its power under Rule 62(a) to summon a witness must first satisfy the Speaker that the evidence of that witness is material to an enquiry.
- (2) For the examination of a witness the committee must sit on consecutive days.

Summoning a Witness to appear before a Committee

210. The Speaker, if satisfied under Rule 209(1) that the evidence of a witness is material to an enquiry by a committee, must sign a notice in the format of the Third Schedule, and provide a copy of the notice to both the Chairperson and the Secretary.

Summoning a Witness to appear in the House

211. The House may, in accordance with section 115 of the Constitution, by Resolution, summon any person to appear before it to give evidence on oath or affirmation, or to produce documents.

Procedure in Summoning a Witness

212. (1) The Secretary, upon receipt of the notice under Rule 210, or in compliance with a Resolution under Rule 211, must sign a summons in the format of the Fourth Schedule.
- (2) An employee of Parliament duly authorised by the Secretary to effect delivery of the summons must sign a return of service in the format of the Fifth Schedule.

Attendance of Witnesses detained in Prison

213. (1) A summons under Rules 210 and 211 for a witness detained in any prison must be served, with the notice under sub-Rule (2), upon the person in charge of the prison.
- (2) The Speaker must sign a notice in the format of the Sixth Schedule, ordering the person in charge of the prison to bring the witness to Parliament in safe custody for examination as often as his or her attendance is necessary.

Offences relating to a Witness

214. (1) A person who:

- (a) has been duly summonsed in terms of section 115 of the Constitution, read with Standing Rules 210 and 211, and who fails, without sufficient cause:
 - (i) to attend at the time and place specified in the summons; or
 - (ii) to remain in attendance until excused from further attendance by the person presiding at the enquiry;
- (b) has been summonsed and who refuses to be sworn in or to make an affirmation as a witness; or
- (c) fails without sufficient cause :
 - (i) to answer fully and satisfactorily any question lawfully put to him or her; or
 - (ii) to produce any document in his or her possession or custody, or under his or her control, which he or she has been required to produce,

commits an offence and is liable to a fine or to imprisonment for a period not exceeding twelve months or to both the fine and the imprisonment.

(2) A person who :

- (a) threatens, obstructs or in any way unduly influences another person in respect of evidence to be given before Parliament or a committee;
- (b) induces another person to refrain from giving evidence to or producing a document before Parliament or a committee;
- (c) assaults or penalises or threatens another person, or deprives that person of any benefit, on account of the giving or proposed giving of evidence before Parliament or a committee;
- (d) with intent to deceive Parliament or a committee, produces to Parliament or the committee any false, untrue, fabricated or falsified document; or
- (e) whether or not under oath or affirmation, wilfully furnishes Parliament or a committee with information, or makes a statement before it, which is false or misleading, commits an offence and is liable to a fine or to imprisonment for a period not exceeding two years or to both the fine and the imprisonment.

Witness Expenses

215. The Secretary may pay to a witness the sum for travelling and attendance time and for transport expenses actually incurred which the witness would be entitled to as a witness before a magistrate's court.

GENERAL ADMINISTRATION AND RECORDS OF PARLIAMENT

Minutes of Proceedings of a Sitting

216. (1) The Secretary must :
- (a) ensure that the Minutes of Proceedings of a Sitting are recorded and transcribed;
 - (b) supply a copy of the Minutes to every Member; and
 - (c) submit the Minutes to the Speaker for approval and signature.
- (2) The Minutes, signed by the Speaker, constitute a true record of the proceedings of Parliament.

Custody of Papers

217. (1) The Secretary has custody of all records and documentation of Parliament.
- (2) Subject to sub-Rule (3), the Secretary may not remove, or permit the removal of, any record or other document beyond the Precincts.
- (3) The Speaker may approve the removal of any record or other document, and may issue standing approvals in respect of :
- (a) each different type or class of document;
 - (b) a document furnished to officials or the media;
 - (c) a document required for research or evidence; and
 - (d) any other type of record or document.

Access to Tabled Papers

218. Access to tabled papers is subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

General Duties of Secretary

219. The Secretary is responsible for the regulation of all matters connected with the business of Parliament, subject to any directions from the Speaker or the House.

Support to Political Parties

220. In accordance with section 116(2)(c) of the Constitution, Parliament must provide financial and administrative assistance to each party represented in the House, in proportion to its representation, to enable the party and its leader to perform their functions in the House effectively.

Transitional Arrangements

221. Any action taken under the Rules adopted by the House on 18 June 1999 remains valid and in force.