

# EUROPEAN PARLIAMENT

1/80

## COMMITTEE ON THE RULES OF PROCEDURE AND PETITIONS

### Notice to Members

Please find attached a comparative study of the parliamentary rules of procedure of the Community Member States prepared by the Directorate-General for Research and Documentation  
(Chapter I<sup>1</sup> - Duties, rights and formalities)  
(Chapter II - Sessions of Parliament)

DIRECTORATE-GENERAL FOR COMMITTEES  
AND INTER-PARLIAMENTARY DELEGATIONS

### Annex

Luxembourg, 7 January 1980  
X

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<sup>1</sup> See working document PE 62.811

COMPARATIVE STUDY

of the parliamentary rules of procedure  
of the Community Member States

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BELGIUM

HOUSE OF REPRESENTATIVES

RULES OF PROCEDURE

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities

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Rule 2 - Leave

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Rule 3 - Verification of credentials

Rule 2

1. The House shall assess the eligibility of its members and the legitimacy of their election.
2. For this purpose the official records of the election proceedings and the supporting documents shall be distributed among six committees of seven members each, set up by lot to verify credentials.
3. Each committee shall appoint a rapporteur to present its work to the House.
4. All elected members shall take part in the verification procedure.
5. In the case of a by-election or of the admission of a substitute, verification shall be carried out by a committee of seven members appointed by lot.
6. The House shall decide on the committees' conclusions and the President shall declare to be members those whose credentials have been found to be valid.

Rule 4 - Termination of membership

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Rule 5 - Code of conduct

Chapter X of the House's Rules of Procedure relates to discipline (Rules 43 to 47). These provisions will be considered in connection with Rules 60 to 62 in Mr Patterson's outline of the Rules of Procedure.

CHAPTER II - SESSIONS OF PARLIAMENT

Rule 6 - Convening of Parliament

See Article 70 of the Constitution

Rule 7 - Venue of meetings

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DENMARK

THE FOLKETING

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities:

Rules of Procedure, Section 40:

A member who is prevented from being present in the Folketing shall notify his absence to the President.

Rule 2 - Leave

Rules of Procedure, Section 42:

1. When a member notifies the President that he will not be able to attend the sittings of the Folketing for at least seven days, the Folketing may grant him leave of absence and decide that his substitute shall temporarily take his seat in the Folketing.

Likewise, the Folketing may grant a member who is also a Minister leave of absence and decide that his substitute shall temporarily take his seat in the Folketing, when the member has notified the President that owing to absence on public business he will not be able to appear regularly in the Folketing for a period of not less than one month. The decision of the Folketing shall be taken without previous debate on the oral recommendation of the President.

2. The functions of the substitute member shall cease when the ordinary member notifies the President in writing that he will be able to appear in the Folketing again (however, not earlier than eight days after the commencement of the period of leave) or in the cases referred to in subsection 1, second sentence of this section, where the Minister concerned relinquishes his office or notifies the President that he will again be able to attend the sittings of the Folketing. Leave of absence granted under the rules of subsection 1, second sentence of this section, shall continue to apply during the period of leave, even if the Minister concerned should appear in the Folketing only in his capacity of Minister.

### Rule 3 - Verification of credentials

#### Rules of Procedure, Section 1:

1. At the first sitting of the Folketing after a general election, the Senior Member shall take the chair, and under the rules laid down in section 16, subsection 2, a temporary President shall be appointed to direct the proceedings of the Folketing pending the scrutiny of elections. The Senior Member is the member present who has held his seat in the Folketing (under the bicameral system before September 22, 1953: the Rigsdag) for the longest period. In the event of equal seniority, the older member shall take precedence over the younger member.
2. For the scrutiny of elections the Folketing shall set up a provisional committee consisting of 21 Members.
3. The committee shall examine the reports on the election returns, the calculations made by the Ministry of the Interior and the other data submitted to the Folketing by the Minister of the Interior under the rules laid down in section 53 of the Elections Act<sup>1</sup>, and by the Minister for Greenland. The committee shall also consider complaints which may have been lodged against the elections. The committee must then submit a recommendation on the elections to the Folketing.
4. Concerning the elections which are unanimously approved by the committee, oral recommendations may be made in the Folketing without the observance of any time limit. The Folketing must then decide on these elections in one lot.
5. In the case of elections which are not unanimously recommended for approval, the committee must submit a report which must have been distributed among the members before the beginning of the sitting in which it is to be dealt with. The Folketing must then consider each election separately to decide whether it shall be approved or rejected, or whether approval of it shall be deferred. If deferred, the matter will be referred to the Standing Committee of Scrutineers (section 7, subsection 1), and the Folketing may then decide that new calculations shall be made by the Ministry of the Interior, specifying the extent of such calculations (section 54 of the Elections Act).

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<sup>1</sup> General Elections Act, Law Notice No. 237 of 10.5.1978

6. As to members elected in Greenland, the committee may - pending the receipt of the final data for the elections in Greenland - submit recommendations to the Folketing for approval of these elections, based on provisional calculations such as provided in the Act on General Elections in Greenland<sup>1</sup>. If approved on the basis of this material, the Folketing will decide whether the approval can be upheld, when the final data are available. This decision is made upon recommendation by the Standing Committee of Scrutineers.

7. The validity or invalidity of an election is decided by vote for or against approval of its validity.

8. No member whose election has not been approved can hold a seat on a committee save the provisional committee referred to in subsection 2 of this section. Nor is he allowed to take part in the debates of the Folketing or vote. However, during the general scrutiny of the elections he is allowed to speak and vote as long as his election has not been rejected or approval of it deferred.

9. A member whose election has been approved, but who has not yet made the declaration referred to in section 32, subsection 7 of the Constitution shall hold no seat on a committee, nor is he allowed to take part in the debates or votes of the Folketing.

#### Rule 4 - Termination of membership

Constitution, Section 32 (4):

No seats shall be vacated until a new election has been held. When individual Members vacate their seats section 41 of the Rules of Procedure applies.

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<sup>1</sup> Act on General Elections in Greenland, Law Notice 416, 29.7.1974

Rules of Procedure, Section 41:

When a member ceases his membership of the Folketing, his seat shall be taken by his substitute, cf. the Elections Act<sup>1</sup>, section 51, the Elections Act of the Faroe Islands<sup>2</sup>, section 35, and the Act on General Elections in Greenland<sup>3</sup>, section 27.

Rule 5 - Code of conduct

None

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<sup>1</sup> General Elections Act, Law Notice No. 237, 10.5.1978

<sup>2</sup> Elections Act of the Faroe Islands, Law Notice No. 12, 12.1.1977

<sup>3</sup> Act on General Elections in Greenland, Law Notice No. 416, 29.7.1974



CHAPTER II - SESSION OF PARLIAMENT

Rule 6 - Convening of Parliament

Constitution, Section 35 (1):

A newly elected Folketing shall assemble at twelve noon on the twelfth week-day after the day of election, unless the King has previously convoked a meeting of its members.

Rules of Procedure, Section 32:

1. To convene the first sitting of each session, a summons shall be issued direct to the members by order of the President.
2. At the end of each sitting, the President shall announce the date, hour and order paper of the next sitting in so far as this can be stated at that time. Announcement of the order of business may be made by reference to a notice to be put up in the Folketing or to the printed order paper which is to be distributed as soon as possible. A sitting may also be convened by sending out a printed order paper. However, the fact that he has fixed the date, hour and order of business for the next sitting shall not prevent the President from changing the time of the sitting.
3. When the order of business has not been fixed under the provisions of subsection 4 of this section, the President may change the order of business, and he may remove an item from the order paper provided that he informs the Folketing of his reasons for doing so. However, apart from appointments of members to committees, commissions and other offices, only matters entered on the order paper for a sitting shall be considered at that sitting.
4. It rests with the President to convene a sitting upon a requisition being made in writing by at least two-fifths of the Members of the Folketing or the Prime Minister, stating the order of the day. (Section 39 of the Constitution Act).
5. If possible, a weekly programme shall be distributed at the last sitting day of each week, stating the President's provisional arrangements for the business to be disposed of during the days to come.

Rule 7 - Venue of meetings

No provisions.

GERMANY

GERMAN BUNDESTAG

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities

1. Section 16 of the Rules of Procedure of the Bundestag:

(1) Members of the Bundestag shall be required to take part in the work of the Bundestag.

(2) On each day of sitting an attendance register shall be put on display in which members of the Bundestag shall enter their names. The consequences of failure by a member to enter his name on the register and to take part in a vote by roll call follow from the Law on the remuneration of members of the Bundestag.

Note: Section 16(2) of the Rules of Procedure and Article 15 of the Law on Allowances (as last amended by the Law of 18 August 1976 (Federal Law Gazette I/p. 2195) seek to ensure that members take part in sittings and votes, since failure to do so entails deductions from the monthly payments of the flat-rate daily allowance.

2. See below under Rule 5 - Code of conduct for members of the German Bundestag.

3. Section 20 of the Rules of Procedure:

(1) Every member of the Bundestag shall be issued by the Bundestag, for the duration of the legislative term, with an identity document establishing his membership of the Bundestag, a ticket entitling him to use all state-owned means of transport and a copy of the Official Handbook of the Bundestag.

4. Sections 21 and 21 a of the Rules of Procedure:

Section 21 Inspection and handing over of files and documents

(1) Members of the Bundestag shall be entitled to inspect all files and documents in the safekeeping of the Bundestag or of a committee; this shall not be allowed to impede the work of the Bundestag or its committees or of committee chairmen or rapporteurs. Personal files and accounts kept by the Bundestag in respect of its members may be inspected only by the member concerned. Should other members of the Bundestag, for example in their capacity as rapporteurs or committee chairmen, or persons who are not members of the Bundestag wish to inspect these files, they may do so only with the permission of the President and of the member of the Bundestag concerned. A member of the Bundestag may at any time inspect Bundestag files that concern him personally.

(2) Files and documents may be handed over for use outside the Bundestag building only to the chairmen or rapporteurs of committees for the performance of their duties.

(3) Exceptions may be approved by the President.

(4) The provisions of the German Bundestag rules on the preservation of secrecy shall apply to classified material (Section 21 a).

#### Section 21 a Rules on the preservation of secrecy

The Bundestag shall adopt rules on the preservation of secrecy which shall form part of these Rules of Procedure (Annex 2). These rules shall regulate the handling of all matters to be prevented through special security measures from coming to the knowledge of unauthorized persons.

Note: The right to inspect documents is a personal right and cannot be transferred to authorized representatives. Restrictions on this right are determined not only by Section 21 (4) of the Rules of Procedure but also by a series of special legal provisions (e.g., Article 6 (4) of the Law on the Federal Constitutional Court). In principle, inspection of files and documents which were forwarded to the Bundestag by other agencies is subject to any legal provisions governing such inspection.

In principle a member is not entitled to ask the federal and Land authorities for legal and administrative assistance, since he cannot be regarded as an authority within the meaning of Article 35 (1) of the Basic Law, which therefore has no direct

application (see in this connection Trossmann, the parliamentary law of the Bundestag, 1977, Section preceding paragraphs 16 - 22, marginal reference No 23.).

5. Article 45 of the Federal Electoral Law:

Article 45 Acquisition of membership of the German Bundestag

An elected candidate shall acquire membership of the German Bundestag on submitting to the responsible returning officer, within the period required and in the correct form a declaration of acceptance following notification under Article 41 (2) or Article 42 (3) but not before the end of the term of the previous German Bundestag and, where Article 44 (4) applies, not before the relevant seat is vacated by the candidate originally elected. Where an elected candidate fails to submit a declaration within the period required or in the correct form, the election shall be regarded as accepted. A conditional declaration shall be regarded as a rejection. Declarations of acceptance or rejection may not be revoked.

Rule 2 - Leave

1. Section 18 of the Rules of Procedure:

Leave shall be granted by the President; where such leave is requested for a period of more than one week, he shall grant it in principle in consultation with the Council of Elders. Leave shall not be granted for an indefinite period.

Note: The granting of leave is a formality, and in principle, the reasons for the request are not examined. No provision is made in the Rules of Procedure for the rejection of a request for leave or for the failure to submit a request.

Article 15 (1) sentence 4 of the Law on Allowances, however, provides for reductions in the flat-rate daily allowance in the event of absence without leave.

2. See also in this connection Article 48 (1) of the Basic Law which states:

(1) Any candidate for election to the Bundestag shall be entitled to the leave necessary for his election campaign.

Rule 3 - Verification of credentials

1. Article 41 of the Basic Law:

(1) The scrutiny of elections shall be the responsibility of the Bundestag. It shall also decide whether a deputy has lost his seat in the Bundestag.

(2) Complaints against such decisions of the Bundestag may be lodged with the Federal Constitutional Court.

(3) Details shall be regulated by a federal law.

2. Section 64 of the Rules of Procedure:

Section 64 Committee on the Scrutiny of Elections

(1) The Bundestag shall set up a Committee on the Scrutiny of Elections for the purpose of preparing decisions on any objections as to the validity of elections.

(2) Rights and procedure shall be governed by the Law on the Scrutiny of Elections.

Note: The setting up of a Committee on the Scrutiny of Elections is provided for in Article 3 of the Law on the Scrutiny of Elections, which is based on Article 41 (3) of the Basic Law.

Under Article 2 (1) of the Law on the Scrutiny of Elections, the committee scrutinizes the elections only in the event of objections as to their validity.

3. Section 19 of the Rules of Procedure:

Section 19 Contestation and extinction of membership

The exercise of a Bundestag member's mandate which has been contested shall be regulated by the provisions of the Law on the Scrutiny of Elections.

This is a reference to Article 16 of the Law on the Scrutiny of Elections, which governs the exercise of the mandate until the lawful conclusion of the scrutiny procedure:

Article 16 of the Law on the Scrutiny of Elections:

(1) Where a decision on loss of membership is required during the scrutiny procedure (Article 47 (1) Nos. 1 and 3, of the Federal Electoral Law) and where the Bundestag decides in favour of such loss of membership, the member concerned shall retain his rights and duties until the decision takes effect.

(2) However, acting on a majority of two thirds of its members, the Bundestag may decide that the member may not take part in the work of the Bundestag during the period before the decision takes effect.

(3) Where an appeal is lodged against a decision adopted by the Bundestag pursuant to paragraph 1, the Federal Constitutional Court may at the petitioner's request, take out a temporary injunction revoking any decision adopted pursuant to paragraph 2; if no such decision has been adopted the court may, at the request of a minority of the Bundestag, comprising at least one tenth of its members, issue an injunction having the effect of a decision under paragraph 2.

Rule 4 - Termination of membership

1. Article 46 of the Federal Electoral Law lists the grounds for loss of membership, other than the death of the member, the end of the legislative term or the dissolution of Parliament (Article 39 (1) of the Basic Law):

(1) A member shall lose his membership of the German Bundestag in the event of

1. the acquisition of membership being invalid,
2. the election result being redetermined,
3. a condition of his eligibility for election at the time of election ceasing to apply,
4. resignation,
5. the party or the branch of the party to which he belongs being found by the Federal Constitutional Court to be unconstitutional under Article 21 (2), sentence 2, of the Basic Law.

This shall not affect grounds for the loss of membership governed by other legal provisions.

(2) Where his election in the constituency was invalid, the member shall retain membership of the German Bundestag if he was also elected on a Land list but was not taken into account pursuant to Article 6(2), sentence 3.

(3) Resignation shall take effect only where it is the object of a declaration and is minuted by the President of the German Bundestag, a German notary practising within the area of application of this Law, or an official in an embassy or consulate of the Federal Republic of Germany authorized to execute registered documents. Where such a declaration of resignation is attested by a notary or executed in an embassy or consulate, the member shall be responsible for forwarding it to the President of the Bundestag. Resignation may not be revoked.

(4) Where a party or a branch of a party is declared unconstitutional by the Federal Constitutional Court under Article 21 (2), sentence 2, of the Basic Law, members shall lose their membership of the German Bundestag and substitute candidates their entitlement to membership, in cases where they belonged to the party or party branch in the period between the filing of the petition (Article 43 of the Law on the Federal Constitutional Court) and pronouncement of the verdict (Article 46 of the Law on the Federal Constitutional Court). Where members who have lost their membership under sentence 1 were elected in constituencies, fresh elections shall be held to elect members for these constituencies in accordance with Article 44(2) to (4); members who have lost their membership under sentence 1 may not stand in these elections. Where members who have lost their membership under sentence 1 were elected on a Land list of the party or party branch declared to be unconstitutional, the seats shall remain vacant. Article 48(1) shall also apply.

Article 46(1) of the Federal Electoral Law does not affect grounds for the loss of membership governed by other legal provisions. With regard to incompatibilities under other legal provisions, see Thirty years of the German Bundestag, Bonn 1979, page 48 ff (detailed survey).

Rule 5 - Code of conduct

1. Section 22 of the Rules of Procedure:

The Bundestag may adopt a code of honour.

Note: The Bundestag has not so far adopted a code of honour.

2. Annex I to the Rules of Procedure

Code of conduct for members of the German Bundestag

I

1. Every member of the Bundestag shall declare his occupation as well as the persons, firms, institutions or associations by which he is employed.

The same shall apply for any activity he is engaged in against payment as member of a board of management, supervisory board, board of directors or other body of a company, cooperative society or enterprise operated in another legal form or as a trustee. Persons engaged in consultancy activities shall specify the type of consultancy service.

These particulars shall be published in the Official Handbook of the German Bundestag.

2. Any paid spare-time occupation shall be notified to the Presidency.

3. Contracts entered into with associations, firms, organizations or individuals and associations of persons covering consultancy, representation or similar services shall also be declared.

This shall not apply to members of the Bundestag declaring a consultancy activity under paragraph 1 as part of the normal activities of such an occupation.

Paid activities carried out for associations and organizations operating vis-à-vis the Bundestag or the Federal Government shall be published.

4. Income derived from the delivery of expert opinions, journalism and lecturing shall be declared if it exceeds the amounts specified in paragraph 9.

5. Every member of the Bundestag shall keep separate account of all funds made available to him as a candidate for Bundestag elections or as a member of the Bundestag for his political activities.



Funds made available to him and in individual cases exceeding the maximum specified in paragraph 9 shall be notified by him to the Presidency.

6. Special guidelines shall be issued for members of the Bundestag who wish to take part in legal proceedings for or against the Federal Republic.

7. Reference shall not be made in occupational or business matters to membership of the German Bundestag.

8. Every member of the Bundestag who is engaged, as part of his occupation or for a fee, in a matter under discussion in a committee of the Bundestag shall, as member of that committee, disclose the nature of his interests where this is not evident from the particulars provided under paragraph 1.

9. The extent and limits of the obligation to make a declaration under paragraphs 2 to 5 shall be laid down each year by the Council of Elders upon the proposal of the Presidency.

10. In cases of doubt the member of the Bundestag shall satisfy himself as to the interpretation of the provisions by referring back to the President or the Presidency.

## II

Should any objections be raised to this Code of Conduct, the member of the Bundestag concerned shall be heard by the Presidency. Should the Presidency consider an objection to be well-founded, it shall notify the parliamentary group to which the member of the Bundestag concerned belongs and ask it for its opinion. Unanimous findings of the Presidency may be made public.

(Adopted by the Bundestag on 21 September 1972, notice of promulgation of 19 October 1972, Federal Law Gazette/p.2065)

## CHAPTER II - SESSIONS OF PARLIAMENT

### Rule 6 - Convening of Parliament

1. Article 39 of the Basic Law:

(1) The Bundestag shall be elected for a four-year term. Its legislative term shall end four years after its first meeting or on its dissolution. The new election shall be held during the last three months of the term or within sixty days after dissolution.

(2) The Bundestag shall assemble within thirty days after the election, but not before the end of the term of the previous Bundestag.

(3) The Bundestag shall determine the termination and resumption of its meetings. The President of the Bundestag may convene it at an earlier date. He must do so if one third of its members or the Federal President or the Federal Chancellor so demand.

2. Section 1(1) of the Rules of Procedure (Constituent meeting)

(1) The first meeting of the Bundestag shall be convened by the President hitherto in office and shall be held within thirty days after the election, but not before the end of the term of the previous Bundestag.

3. Section 24(1) and (5) of the Rules of Procedure:

(1) The date and agenda of each sitting of the Bundestag shall be agreed in the Council of Elders, unless the Bundestag previously determines them or the President fixes them independently pursuant to paragraph (1) of Section 25.

(5) Where a sitting is suspended owing to the absence of a quorum, the President may convene another sitting for the same day and with the same agenda. Within that agenda he may fix the time for the repetition of the unsuccessful vote or election, or, with the consent of the Bundestag, remove that item from the agenda.

4. Section 25 of the Rules of Procedure:

Convening of the Bundestag by the President

(1) The President shall fix the date and settle the agenda of a sitting of the Bundestag on his own initiative if the Bundestag empowers him to do so or is unable, for a reason other than the absence of a quorum, to reach a decision.

(2) The President shall convene the Bundestag if one third of its members or the Federal President or the Federal Chancellor so demand (paragraph (3) of Article 39 of the Basic Law).

(3) Where in other cases the President has on his own initiative fixed the date of a sitting or made additions to the agenda he shall obtain the consent of the Bundestag at the beginning of the sitting.

Note: The President may be required to fix the date of a sitting pursuant to Section 25 of the Rules of Procedure.

(a) where the Bundestag has adjourned without fixing the date of the next sitting, or

(b) where the President suspends the sitting due to disturbances,

pursuant to Section 44 of the Rules of Procedure, and no agreement is reached in the Council of Elders on the date of the next sitting.

5. Section 26 of the Rules of Procedure:

The President shall open, conduct and close sittings. Before the closure of each sitting he shall announce the date of the next sitting as agreed in the Council of Elders or decided by the Bundestag.

Rule 7 - Venue of meetings

A Bundestag decision of 3 November 1949 establishes Bonn as the provisional seat of the federal institutions, but does not contain any direct reference to the venue of Parliament's meetings.

Neither the Basic Law nor the Rules of Procedure contain any provision relating to this matter.

The Bundestag is entitled to fix its venue in accordance with its right to establish its own internal organization.

According to Parliamentary custom (see Maunz - During - Herzog, Basic Law, Article 39, marginal note No 27) the decision on the venue is taken before the constituent sitting of the newly elected Bundestag by the President hitherto in office, or the Bundestag or the President, if the latter is in the position to convene Parliament on his own initiative.

FRANCE

NATIONAL ASSEMBLY

RULES OF PROCEDURE

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities

(a) Duty allowance

Rule 162(1)

The duty allowance provided for under Article 2 of Ordinance No. 58-1210 of 13 December 1958 shall be payable in monthly instalments based on the annual rate, without taking account of the duration of sessions, to all members who take part regularly in the work of the Assembly.

(b) Insignia

Rule 163

1. Insignia shall be worn by members when they are on mission, at public ceremonies and in all circumstances where they need to make their status known.
2. The nature of these insignia shall be determined by the Bureau of the Assembly.

(c) Undertakings

Rule 164

1. At the beginning of each legislative term the general secretariat of the National Assembly shall compile a collection of the authentic texts of the electoral programmes and undertakings of candidates declared elected following a general election.
2. Any difficulty encountered in compiling the collection shall be referred to the Bureau of the National Assembly.

## Rule 2 - Leave

Unjustified absences from a plenary sitting (Rule 162(2) and (3) or from a committee meeting (Rule 42) may entail reductions in the parliamentary allowance.

### Rule 162

2. Members may be excused from attending a particular sitting. Such permission may be granted for a maximum of three days in each ordinary session. Requests must be submitted to the President in the form of a reasoned written declaration. Leave shall be granted or refused by the quaestors on the basis of these requests.
3. Taking account of cases where a proxy vote would have been possible or was granted, pursuant to Ordinance No. 58-1066 of 7 November 1958, of votes on motions of censure and of leave granted in accordance with the previous paragraph, a member who takes part in less than two thirds of the open votes held in public sitting during a session shall lose one third of the duty allowance for a period equal to that of the session; if the same member takes part in less than half the votes, he shall lose two thirds of the allowance.

### Rule 42

1. Attendance by committee members at committee meetings shall be compulsory.
2. The names of committee members present and of those who have been excused, either for one of the reasons envisaged in Ordinance No. 58-1066 of 7 November 1958 or because of an insurmountable obstacle, or who obtained valid substitutes, shall be published in the Official Journal on the day following each committee meeting, as shall the postponement of a vote owing to the absence of a quorum.
3. Where a committee member is absent from more than one third of the committee meetings during the same ordinary session and was not excused for one of the reasons referred to in the previous paragraph or did not obtain a substitute as provided for in Rule 38, the bureau of the committee shall inform the President of the Assembly, who shall declare that the committee member concerned has resigned. The latter shall be replaced and may not sit on any other committee during the year; his **duty** allowance shall be reduced by one third until the opening of the next ordinary session.

### Rule 3 - Verification of credentials

#### (a) Admission of elected candidates

##### Rule 2

At the opening of the first sitting of the legislative term the Oldest Member shall announce to the Assembly the list of names of elected candidates forwarded to him by the Government. He shall give instructions for it to be posted immediately on the noticeboard and to be published after the verbatim record of proceedings of the sitting.

#### (b) Contestation

##### Rule 3

Petitions contesting an election and decisions rejecting these petitions delivered by the Constitutional Council shall be announced by the Oldest Member or by the President, in accordance with the conditions laid down in Rule 2, at the beginning of the first sitting following their receipt.

#### (c) Corrections and annulments

##### Rule 4

1. Decisions of the Constitutional Council either correcting the declaration made by the returning committee and announcing the candidate who has been duly elected, or annulling a contested election, shall be announced at the beginning of the first sitting following their notification, together with the constituencies concerned and the names of the candidates whose election has been found to be invalid.
2. In the case of a correction, the name of the candidate declared elected shall be announced immediately after the communication of the decision.
3. Where an annulment decision delivered by the Constitutional Council is notified to the President between sessions of the Assembly, the President shall acknowledge it in a notice published in the Official Journal and shall inform the Assembly of the decision at the first sitting of the subsequent session.
4. The same provisions shall apply in the case of disqualification or compulsory resignation established by the Constitutional Council.

Rule 4 - Termination of membership

(a) Invalidation

Rule 5

In the event of invalidation, all initiatives taken by the member concerned shall be considered void save when they are taken up by a member of the National Assembly within eight clear days of the Assembly's being notified of the invalidation or of the publication of the notice provided for in Rule 4(3).

(b) Resignation

Rule 6

1. Any member may resign from office either, if his election was not contested, on the expiry of the ten-day deadline for the filing of petitions contesting the election, or, if his election was contested, after notification of the decision by the Constitutional Council to reject the petition.
2. Resignations shall be addressed to the President, who shall announce them to the Assembly at the first subsequent sitting and notify them to the Government.

(c) Replacement

Rule 7

1. As soon as they are notified to him, the President shall inform the Assembly of vacancies which have arisen for one of the reasons listed in Article LO 176 of the electoral code. Where necessary, he shall notify the Government of the names of the members whose seats have fallen vacant and shall request notification of the names of the persons elected to replace them.
2. The names of the new members declared elected in application of this article shall be announced to the National Assembly at the beginning of the first sitting following their notification by the Government.
3. The same shall apply for the names of candidates elected at by-elections.
4. Between sessions and pending the announcement provided for in the preceding paragraphs, the President shall acknowledge notification of the names of the new members as laid down in Rule 4(4).

Rule 5 - Code of conduct

(a) Ban on reading out

- speeches

Rule 54

6. A speaker may not depart from the subject; if he does so the President shall call him to order. If he does not heed this call, or if he speaks without being authorized to do so or seeks to continue his speech after being requested to conclude it or reads out a speech, the President may direct him to discontinue his speech. In this case, the President shall instruct that his speech shall not be recorded in the minutes, without prejudice to the application of the disciplinary measures provided for in Chapter XIV of this Title.

- reports

Rule 91

2. Where the report or opinion was distributed on or before the day preceding the opening of the debate, the rapporteur may decide not to present it orally provided that it is published in the verbatim report of proceedings of the relevant sitting; otherwise, its author must confine himself to commenting on the text without reading it out.

(b) General discipline

Rules 70 to 78

Rule 70

The disciplinary measures applicable to members of the Assembly shall be:

- call to order;
- call to order recorded in the minutes of proceedings;
- vote of censure with temporary exclusion.

Rule 71

1. Only the President may call a member of order.
2. Any speaker who creates a disturbance shall be called to order.
3. A member who has not been authorized to speak and is called to order shall not be heard until the end of the sitting, unless the President decides otherwise.



4. Where a member is called to order for a second time during the same sitting, this fact shall be recorded in the minutes of proceedings.
5. A member who insults, provokes or threatens one or more of his colleagues shall also be called to order and the fact recorded in the minutes of proceedings.
6. A call to order recorded in the minutes of proceedings shall automatically entail the deduction, for one month, of one quarter of the parliamentary allowance paid to members.

#### Rule 72

1. A vote of censure shall be passed on any member:
2. 1<sup>o</sup> who, after a call to order recorded in the minutes of proceedings, does not heed the President's instructions;
3. 2<sup>o</sup> who causes a disturbance in the Assembly.

#### Rule 73

1. A vote of censure with temporary exclusion from the Palais de l'Assemblée shall be passed against any member:
2. 1<sup>o</sup> who does not accept a simple vote of censure or who has been censured twice;
3. 2<sup>o</sup> who uses violence in a public sitting;
4. 3<sup>o</sup> who is guilty of outrages against the Assembly or its President;
5. 4<sup>o</sup> who insults, provokes, or threatens the President of the Republic, the Prime Minister, the members of the Government or the Assemblies provided for by the Constitution.
6. A vote of censure with temporary exclusion shall prohibit the member from taking part in the work of the Assembly and from appearing in the Palais de l'Assemblée until the end of the fifteenth day of sitting following that on which the vote was passed.
7. Where the member refuses to comply with the President's instructions to leave the Assembly, the sitting shall be suspended.

In this case and where a member is the subject of a second vote of censure with temporary exclusion, the period of exclusion shall be extended to thirty days of sitting.

Rule 74

1. Where a member of the Assembly commits an act of violence against one of his colleagues, the President may propose to the Bureau that a vote of censure with temporary exclusion be taken against him. Where the President does not do so, a member may submit a written request to the Bureau for such a vote.
2. Where a vote of censure with temporary exclusion is proposed against a member, for this reason the President shall convene the Bureau who shall hear the member. The Bureau may take one of the disciplinary measures provided for in Rule 70. The President shall notify the member of the Bureau's decision. Where the Bureau decides on a vote of censure with temporary exclusion, the member shall be escorted to the door of the Palais by the head usher.

Rule 75

1. A simple vote of censure and a vote of censure with temporary exclusion shall be taken by the Assembly by sitting and standing and without debate, on a proposal from the President.
2. The member against whom one of these disciplinary measures is requested shall always be entitled to be heard or to have one of his colleagues speak on his behalf.

Rule 76

1. A simple vote of censure shall automatically entail the deduction for one month of one half of the allowance paid to the member.
2. A vote of censure with temporary exclusion shall automatically entail the deduction of one half of the allowance for two months.

Rule 77

1. Where a member seeks to destroy the freedom of the Assembly's discussions and votes and where, after resorting to violence against one or more of his colleagues, he refuses to heed the President's calls to order, the latter shall suspend the sitting and convene the Bureau.
2. The Bureau may propose to the Assembly that it pass a vote of censure with temporary exclusion, in which case the deduction of one half of the parliamentary allowance provided for in the previous article shall be extended to six months.

3. Where serious acts of violence were committed during the sittings which led to this disciplinary action, the President shall immediately refer the matter to the attorney general.
4. The disciplinary measures provided for in this article shall be taken against any member who was guilty of fraud during the elections, particularly with regard to the personal nature of the vote.

Rule 78

1. If a member commits an offence within the Palais building while the Assembly is sitting, the debate shall be suspended.
2. The President shall immediately inform the Assembly of the offence.
3. Where the offence referred to in paragraph 1 is committed when the sitting has been suspended or closed, the President shall inform the Assembly of the offence when the sitting is resumed or at the beginning of the next sitting.
4. The member shall be entitled to be heard if he so requests. On instructions from the President, he shall be required to leave the House and shall be detained in the Palais.
5. In the event of resistance by the member or of disturbance in the Assembly, the President shall immediately suspend the sitting.
6. The Bureau shall immediately inform the attorney general that an offence has been committed in the Palais de l'Assemblée.

IRELAND

CHAPTER I MEMBERS OF PARLIAMENT

Rule 1 Duties, rights and style

54. In making references to members of the Dáil, References  
the following rules shall apply:- to members.
- (a) A member of the Government shall (as the case may require) be referred to as the Taoiseach, the Tánaiste, or the Minister for .....: and a Parliamentary Secretary shall be referred to as the Parliamentary Secretary to .....
  - (b) A private member of the Dáil shall be referred to as Deputy .....

Notes on Procedure

5. Q. What is the extent of the inviolability and immunity of Members? In particular -
- (a) What steps are necessary to bring to justice a Member who has committed an offence?
  - (b) Can a Member be sued for defamation in respect of anything said in debate in the Chamber or in a Committee?
- A. Members of each House of Parliament are under the Constitution, and except in case of treason (as defined therein), felony and breach of the peace, privileged from arrest going to and from, and while within the precincts of either House, and are not amenable in respect of any utterance in either House, to any Court or any authority, other than the House itself.

(a) Offences, excluded as indicated in the general reply, would be prosecuted at the suit of the Attorney-General in the ordinary way.

(b) See general reply under this heading.

Rule 2      Leave

No provisions

Rule 3      Verification of credentials

1. (1) There shall be a Roll of Members of Dáil Éireann which shall be signed in the presence of the Clerk by each member before taking his seat.

Roll of members.

(2) When returns to Writs issued for a General Election to the Dáil shall have come into his hands, the Clerk shall notify members returned that their attendance is required at a place appointed and on a day (or days) named by him, which day or days shall be prior to the date mentioned in the Proclamation convening Dáil Éireann, for the purpose of complying with the provisions of paragraph (1) of this Standing Order.

2. On the first day of the meeting of the Dáil subsequent to a General Election, and so soon as a quorum is present (S.O. 18), the proceedings shall be opened by the Clerk, who shall read the Proclamation convening Dáil Éireann.

Opening of the proceedings

3. The Clerk shall then make a report as to the issue of Writs for such Election. This report shall enumerate the Constituencies in respect of which, and the Returning Officers to whom, such Writs were issued. The Clerk shall also announce the names of all members returned to serve in the Dáil, giving the Constituency in each case.

Clerk's  
Election  
Report.

4. A copy of the Writ of election for each Constituency, and of the return endorsed thereon, shall be laid before the Dáil by the Clerk.

Copies of  
Writs, etc.  
to be laid  
before the  
Dáil.

#### Notes on Procedure

1. Q. What procedure is used to verify the election of a Member ("verification des pouvoirs")?
- A. In the case of a Member of the Dáil, the return to the Clerk, supplied by the Constituency Returning Officer, is the warrant for his membership. In the case of the Senate, the names of elected Panel members (of whom there are forty-three) are returned by the Seanad Returning Officer. Names of elected University members (of whom there are six) are notified by the respective Registrars of the Universities, who are Returning Officers. Names of Senators nominated by the Prime Minister (of whom there are eleven) are communicated by him. In all cases the Returns are made to the Clerk of the House.

There is no established procedure for identification, but if any doubt arose identification would be insisted upon.

RESIGNATION OF MEMBERS

136.      Any member of the Dáil may voluntarily resign his membership thereof by notice in writing to the Ceann Comhairle, and such resignation shall take effect immediately upon the same being announced to the Dáil by the Ceann Comhairle.

Procedure for,  
and date of  
taking effect.

RULES OF DEBATE

- |   |   |
|---|---|
| 39. A member desiring to speak shall rise in his place. Should more than one member rise at the same time, the Ceann Comhairle shall call upon one of them. Members shall address the Chair.                            | Calling of members to speak:<br>addressing the Chair. |
| 40. Whenever the Ceann Comhairle rises during a debate, any member then speaking, or offering to speak, shall resume his seat.  | Precedence of Chair.                                  |
| 41. No member shall be entitled to speak twice upon the same motion, except to close the debate upon a motion of which he was the proposer.   | Speaking twice.                                       |
| 42. A motion or amendment shall not be debated until the appropriate question has been proposed from the Chair.   | Debating of motions and amendments.                   |
| 43. If a member does not move the motion or amendment which stands in his name, such motion or amendment shall lapse unless moved by some other member authorised by him.   | When motions and amendments lapse.                    |
| 44. A member who has made a motion or proposed an amendment may withdraw the same by leave of the Dáil.   | Motions and amendments may be withdrawn.              |
| 45. Every amendment must be relevant to the motion to which it is proposed, and must be directed to omitting, adding, or substituting words. No amendment, which is equivalent to a direct negative, shall be accepted. | Relevancy and form of amendments.                     |
| 46. When the question on a motion or an amendment has been put from the Chair, no further debate thereon shall be allowed.  | Debate not allowed after question put.                |



47. A motion to rescind or amend a Resolution, other than a Resolution relating to an adjournment of the Dáil or to Standing Orders, can only be made on notice that shall specify the Resolution to be rescinded or amended, and furnish the terms of the motion to be made; but no motion shall be allowed to appear on the Order Paper to rescind or amend any such Resolution, within six months from the date of its adoption, except with the written assent of not less than twenty-five members.

Amending or rescinding Resolution.

48. No member shall re-open a discussion on a question already discussed during the preceding six months, except by the indulgence of the Dáil for a personal explanation; nor anticipate the discussion of any subject of which notice has been given: Provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Ceann Comhairle to the probability of the matter anticipated being brought before the Dáil within a reasonable time.

Restrictions on debate.

49. A member who persists in irrelevance or repetition in debate, or who, in the opinion of the Ceann Comhairle, is speaking for the purpose of obstructing business, may be directed by the Ceann Comhairle to discontinue his speech after the attention of the Dáil or of the Committee has been called to his conduct.

Irrelevance or repetition.

50. The Ceann Comhairle is the judge of order in the Dáil and in Committee of the whole Dáil and has authority to suppress disorder and to enforce prompt obedience to his ruling. In Select or Special Committees order shall be maintained by the Chairman, but disorder or obstruction in Committees can be censured only in the Dáil on receiving a report.

Maintenance of order in Dáil and Committees.

51. (1) The Ceann Comhairle shall order a member whose conduct is grossly disorderly to withdraw immediately from the Dáil for the remainder of that day's sitting. If, however, on any occasion the Ceann Comhairle deems that the powers conferred under this Standing Order are inadequate to deal with the offence, he may, in accordance

Disorderly conduct: member to withdraw from Dáil.

with the next succeeding Standing Order, name such member for misconduct, or he may call on the Dáil to adjudge upon his conduct. Members ordered to withdraw in pursuance of this Standing Order, or who are suspended in pursuance of the next succeeding Standing Order, shall forthwith withdraw from the precincts of the Dáil.

(2) A member may be named or the Dáil called on to adjudge upon his conduct only when the Ceann Comhairle is in the Chair.

52. Whenever any member shall have been named by the Ceann Comhairle immediately after the commission of the offence of disregarding the authority of the Chair, then, if the offence has been committed by such member in the Dáil, the Ceann Comhairle shall forthwith put the question on a motion being made - no amendment, adjournment or debate being allowed - "That ..... (naming the member) be suspended from the service of the Dáil"; and if the offence has been committed in Committee of the whole Dáil, the proceedings shall forthwith be suspended and the circumstances reported to the Dáil, and the Ceann Comhairle shall, thereupon, on motion being made, put the same question without amendment, adjournment or debate as if the offence had been committed in the Dáil itself. If any member hereafter be suspended under this Standing Order, his suspension on the first occasion shall continue until the fourth day, on the second occasion until the eighth day, and on the third or any subsequent occasion until the twelfth day, on which the Dáil shall sit after the day on which he was suspended: Provided that on receiving from the member so suspended a written and approved expression of regret, to be entered on the Journal of the Proceedings of the Dáil, the Ceann Comhairle shall lay the same before the Dáil, and on motion made without notice, amendment, adjournment or debate, forthwith put the question for the discharge of the Order of suspension, whereupon, if the question passes in the affirmative, the Order shall be discharged, and the member re-admitted: Provided further that suspension from the service of the Dáil shall not exempt the member so suspended from serving on a Select or Special Committee of the Dáil to which he may have been appointed previous to his suspension.

Suspension of member.

53. In the case of great disorder, the Ceann Comhairle may adjourn the Dáil without question put, or suspend any sitting for a time to be named by him.

Adjournment  
of Dáil or  
suspension  
of sitting  
in case of  
great  
disorder.

Notes on Procedure

- Q. (c) What measures can be taken to stop any of the following offences, and what punishments can be applied to the offenders?
- (i) Continued irrelevance in speech.
  - (ii) Minor breaches of order.
  - (iii) The use of disorderly language by an individual speaker.
  - (iv) Grossly disorderly conduct by an individual member.
  - (v) Grave disorder on the part of a number of members.
  - (vi) Obstruction of business of the Chamber otherwise than by disorderly conduct.
  - (vii) Misbehaviour within the precincts of Parliament, but not within the Chamber itself.
- A.
- (i) The member speaking can be directed to discontinue his speech and in the event of non-compliance is liable to be ordered to withdraw from the House. In the event of non-compliance with this latter order he is liable to suspension for varying periods.
  - (ii) As in reply to (i).
  - (iii) The withdrawal of unparliamentary language is insisted upon under pain of further disciplinary action being taken.
  - (iv) Grossly disorderly conduct leads to suspension.

(v) In cases of grave disorder on the part of a number of members, the Chairman, in either House, has power under Standing Orders to adjourn the House to the next sitting day without question put, or to suspend the sitting for a time to be named by him. In the Dáil when a number of members are concerned, any motion for suspension has to be made in each individual case. In the Senate, on the other hand, members can, if the requisite motion is carried, be suspended en bloc.

(vi) Misuse of the forms of the House to obstruct business without being technically disorderly can be controlled by the use of the closure and guillotine, and the unnecessary claiming of divisions is controlled by the Chair declaring the result of the question if fewer than five members support the claim for the division.

The Chair has also wide powers of refusing dilatory motions.

There is no power of selection of amendments.

(vii) The Constitution provides that each House shall have power to protect itself and its members against any person or persons interfering with its members in the exercise of their duties. This power is exercisable, as necessity arises, by the exclusion, at the discretion of the Chair, of strangers from the precincts and by utilising the civil authority to check possible breaches of the peace.

No general rules have been laid down by the House to deal with misbehaviour of the type mentioned but it may be noted that a recent affair of this nature between two members of the Dáil was described by the Committee on Procedure and Privileges as conduct in contempt of the House.

(Report T.119)

CHAPTER II      SESSIONS OF PARLIAMENT

Rule 6      Convening of Parliament

SPECIAL SUMMONS TO THE DÁIL

23. On the request of the Taoiseach, the Ceann Comhairle may summon the Dáil for an earlier date than that fixed on an adjournment. Such summons shall state the reason for the earlier reassembly.

Special  
Summons.

Rule 7      Venue of Meetings

Constitution of Ireland

Article 15, section 1, sub-section 3

3° The Houses of the Oireachtas shall sit in or near the City of Dublin or in such other place as they may from time to time determine.

ITALY

PARLIAMENTARY RULES OF PROCEDURE

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities

Rule 1 of the Rules of Procedure of the Chamber of Deputies states:

Members shall take up their duties when they are declared elected.

In addition, Rule 14(3) and (4) states:

3. Within two days of the first sitting, members are required to declare to the Secretary-General of the Chamber the name of the political group to which they belong.

4. Members who fail to make the declaration referred to in the preceding paragraph or who do not belong to any political group shall form a single group.

Rule 2 - Leave

The Rules of Procedure of the Chamber of Deputies do not lay down specific provisions relating to leave. However, Rule 19(4) states:

4. Where a member is unable to attend a meeting of his committee, a colleague from the same political group belonging to another committee may act as his substitute throughout the meeting. Prior notification of the substitution must be sent directly to the chairman of the committee by the member concerned or, if not by him, by his political group.

The Rules of Procedure of the Senate, on the other hand, make specific provision in this respect.

Rule 62

Leave

1. No Senator may absent himself from sittings without submitting a request for leave to the President who, at the beginning of each sitting, shall announce to the Assembly the names of Senators who have been granted leave.

2. A notice listing the names of Senators who have been granted leave shall be permanently posted in the Senate Chamber.

Rule 3 - Verification of credentials

With regard to the verification of credentials Rule 17(1) states:

Rule 17

1. The election committee shall be composed of thirty members, appointed by the President immediately after the constitution of the parliamentary political groups. Within eighteen months after the election the committee shall report to the Assembly on the legitimacy of the electoral operations, and the grounds for ineligibility and incompatibility together with corresponding proposals for ratification, annulment or forfeiture.

Rule 4 - Termination of membership

There are no specific provisions in this connection. However, Article 60 of the Constitution states:

Article 60

The Chamber of deputies and the Senate shall be elected for a period of five years<sup>1</sup>. The term of each Chamber may not be extended save by law and only in the event of war.

In addition, Article 61, second subparagraph, of the Constitution states:

The powers of the preceding Chambers shall be extended until the new Chambers meet.

Rule 5 - Code of conduct

The following rules of the Rules of Procedure of the Chamber relate to the code of conduct:

Rule 59

1. If a member uses unseemly language or, by his behaviour, threatens the freedom of the debates or disrupts the proceedings, the President shall address him directly and call him to order.
2. Where a member who has been called to order wishes to justify his action or his words, he may speak at the end of the sitting or immediately, as decided by the President.

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<sup>1</sup>Except in the case of premature dissolution.

Rule 60

1. After a second call to order on the same day or, in more serious cases, even without a previous call to order, the President may order a member who insults one or more of his colleagues or members of the Government to be excluded from the House for the rest of the sitting.
2. If the member refuses to heed the President's request to leave the House, the President shall suspend the sitting and give the Quaestors the instructions needed to ensure that his order is carried out.
3. If a member uses violence, or causes a commotion, or threatens, or assaults a colleague or member of the Government, or uses insulting language in respect of the institutions or the Head of State, the President of the Chamber may also propose to the Bureau that a vote of censure be passed against the member and that he should be suspended from Parliament for a period of between two and fifteen days of sitting. The Bureau's decisions shall be forwarded to the Assembly and under no circumstances may they be debated. Should the member seek to re-enter the House before the period of suspension has expired, this period shall be doubled.
4. Where exceptionally serious incidents occur within the Chamber precincts but outside the House, the President of the Chamber may propose to the Bureau the disciplinary measures provided for in the preceding paragraph.

Rule 61

In the event of commotion in the House and of the President's calls to order remaining unheeded, the President shall leave the chair; this shall have the effect of suspending the debate. Should the commotion continue, the President shall suspend the sitting for a specified period or, where appropriate, close it. In the latter case, the Assembly or the committee shall automatically meet, with the same agenda, on the next working day at the same time as the sitting which was closed, or on the next day if it is a holiday, where the Assembly or the committee had already decided to sit on that date.



## CHAPTER II - SESSIONS OF PARLIAMENT

### Rule 6 - Convening of Parliament

The first meeting of the Chambers is provided for in Article 62 of the Constitution:

#### Article 62

The Chamber shall meet on the first day of February and October which is not a holiday.

Each Chamber may be convened in extraordinary session on the initiative of its President or of the President of the Republic or of one third of its members.

Where one Chamber is called upon to meet in extraordinary session, the other Chamber shall also be convened ipso jure.

The convening of the Chamber in ordinary session is provided for in Rule 26(1) of its Rules of Procedure:

#### Rule 26

1. The President of the Chamber or the chairman of the committee shall announce, before closing the sitting, the agenda and times of the sittings on the next two working days, without prejudice to the time limit laid down in the second paragraph of Rule 82<sup>1</sup>. Should there be any objections, the Assembly or the committee shall decide by show of hands, after hearing one speaker in favour and one against for not more than ten minutes each.

Rule 29 of the Rules of Procedure provides for the Chamber to be convened in extraordinary session:

#### Rule 29

1. The Chamber may be convened in extraordinary session on the initiative of its President or of the President of the Republic or of one third of its members. It shall be convened ipso jure where the Senate is convened in extraordinary session.

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<sup>1</sup>Under this provision, an agenda which includes initial consideration of a bill must be announced at least 24 hours before the debate opens.

2. Under the circumstances provided for in Article 94, third subparagraph, of the Constitution<sup>1</sup>, the President shall decide with the President of the Senate the date on which the Chamber is to be convened.

Rule 7 - Venue of meetings

No specific provisions.

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<sup>1</sup>Article 94 of the Constitution governs the possibility of the Chambers being required to express their confidence in the government.

LUXEMBOURG

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities

Rule 1 - The Chamber of Deputies shall meet in ordinary session, without requiring to be convened, on the second Tuesday in October each year at 3 p.m.

Rule 2 - Leave

Rule 27(3) and (4)

(3) Unless there is a decision to the contrary dictated by urgent legislative work, the Chamber shall not sit on Mondays or Saturdays.

(4) Unless the Chamber decides otherwise, public sittings shall begin at 2.30 p.m.

Rule 3 - Verification of credentials

Rule 3

(1) The Chamber shall assess the eligibility of its members and the legitimacy of their election.

(2) For this purpose, the official records of the election proceedings and the supporting documents shall be forwarded to a committee of fifteen members, appointed by the Bureau by lot to verify credentials.

(3) The committee shall appoint one or more rapporteurs to present its work to the Chamber.

(4) All elected candidates shall take part in the verification procedure.

(5) With regard to the admission of a substitute, verification shall be carried out by a committee of seven members appointed by lot.

(6) The Chamber shall decide on the committee's conclusions and the President shall declare elected those whose credentials have been found to be valid.

(7) These members shall then take the following oath, pursuant to Article 57 of the Constitution: 'I swear fidelity to the Grand Duke, obedience to the Constitution and to the laws of the State, so help me God!'

Rule 4 - Termination of membership

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Rule 5 - Code of conduct

Rule 47

(1) Should a member disturb the proceedings, the President shall address him directly and call him to order.

(2) Where a member is called to order a second time during the same sitting, he shall automatically be required to discontinue his speech if he had already been given the floor and shall lose the right to speak during the rest of the sitting.

(3) A member who has been called to order may not be heard until the end of the sitting, unless the President decides otherwise. The President shall decide whether to maintain the call to order.

(4) The speech objecting to the call to order may not exceed ten minutes. It may be made either by the member himself or by another member appointed by him. No one else shall be allowed to speak.

(5) A member who has lost the right to speak pursuant to paragraph 2 may obtain the immediate revocation of this sanction by announcing that he regrets having disregarded the authority of the President and having created a disturbance.

(See Rules 60 to 62 of the PATTERSON outline)

CHAPTER II - SESSIONS OF PARLIAMENT

Rule 6 - Convening of Parliament

Rule 1 - The Chamber of Deputies shall meet in ordinary session without requiring to be convened, on the second Tuesday in October each year at 3 p.m.

Rule 7 - Venue of meetings

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NETHERLANDS

SECOND CHAPTER

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 - Duties, rights and formalities

The rights of members of parliament are governed by the Statute of the Kingdom, the Constitution and the Rules of Procedure<sup>1</sup> of the Second Chamber.

(a) Rights

- right of initiative:

R.o.P. Rule 98. Bills introduced by members shall be treated in the same way as royal bills save that in cases where a minister would have taken the floor the proposer or proposers, shall take the floor instead and may not participate in the deliberations on the bill.

- right of interpellation;

R.o.P. Rule 106. Should a member require information from one or more ministers on a subject which is not on the agenda, he may, by indicating the main points of his question ask leave of the Chamber to make an interpellation. The request shall be made orally during the establishment of the order of business. The President may also allow requests for interpellations at any other time.

If the Chamber grants the leave requested it shall specify, either immediately or at a later state, on which day the interpellation shall be made. The minister concerned shall be invited to be present in the Chamber on the specified day. If the matter is extremely urgent and the minister is present, the Chamber may decide that the interpellation shall be made forthwith. The minister, shall, if he is so able, provide the information requested immediately; if he unable to do so, the Chamber shall adjourn further consideration of the matter to a later date.

Save where the interpellation is made forthwith, the interpellator shall notify the President as soon as possible in writing of the questions he wishes to put. The President shall forward them to the minister concerned, save where he has serious reservations about either the form or content of the questions. The President shall notify members of

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<sup>1</sup>Abbreviated to R.o.P.

questions forwarded. When making an interpellation, the interpellator shall speak not more than twice and other members not more than once, save by leave of the Chamber.

- Right to put questions

R.O.P.: Rule 107. Members may also put questions to one or more ministers without special leave of the Chamber.

Such questions shall be short, clearly formulated, and accompanied by a concise explanation. They shall be submitted to the President, and the author shall indicate whether he requires an oral or written answer. The President shall forward them to the minister concerned unless he has serious reservations as to their form or content. The President shall notify members of questions forwarded.

The Chamber shall decide, at the beginning of each sitting, on which days and at what time oral answers may be given to questions. In special cases, the Chamber may also set a different time.

If the author has asked for an oral answer to questions forwarded by the President, the minister shall give the answers, if he is able to do so, at the time next appointed by the Chamber for this purpose. Where a minister is unable to comply with this arrangement he shall provide an answer either in writing or orally at another time designated for the purpose. The President may decide that where questions are not submitted in time to give the minister a reasonable opportunity to prepare his answer before the next question time they shall be answered at a subsequent question time. After an oral answer has been given, the author of the questions may put one or more short supplementary questions on the same subject, and may very briefly speak to these questions. In such circumstances he may speak for not more than two minutes and may not use the opportunity to ask leave to make an interpellation or table a motion.

Other Members may each put one question. However, they may not speak to these questions, nor may they ask leave to make an interpellation or table a resolution.

If the author has asked for a written answer, the answer shall be given in writing, save where the minister prefers to make an oral reply. In the latter case, the answer shall be given at one of the times set aside for this purpose by the Chamber.

R.O.P: Rule 108. Questions of the type mentioned in Rule 107 shall be published as soon as the President has forwarded them to the minister concerned. Moreover, questions that have been answered orally shall be printed, together with the answers, in the report of proceedings and questions which have received written answers in an appendix to the report of proceedings. Where the author of a question has requested a written answer and such an answer has not been received after three weeks and no oral answer has been given, the questions shall be printed in the appendix without answers.

- right to speak on a procedural motion or to make a personal statement

R.O.P: Rule 52. The order of speakers may be broken if a member requests the floor for a personal statement or a procedural motion.

The President shall authorize a member to make a personal statement only when he has some indication of the nature of that statement. The decision as to whether a matter constitutes a personal statement shall rest with the President. A procedural motion may be tabled either by the President, or by a member, in the latter case the motion shall be considered only if it is supported by at least four other members present in the Chamber.

- right to make recommendations

R.O.P: Rule 109. Any Member may propose that a recommendation be sent to the King on any subject pursuant to Article 129 of the Constitution. A draft of the recommendation may be appended to such proposals.<sup>1</sup> Such proposals shall be placed on the Chamber's agenda. The proposer shall be given the opportunity to make an introductory statement. The proposals shall be considered only if they are signed or supported by at least four other members..

- right to table a motion

R.O.P: Rule 53. A member who has taken the floor may table motions on the subject under debate.

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<sup>1</sup> Constitution Article 129. Recommendations other than draft laws may be made separately to the King by either Chamber.

Such motions must be put in writing and signed by the proposer; they may be considered only if they are signed or supported by at least four other members ....

Such motions shall be considered during the debate on the subject in question unless the Chamber decides to take them at a later stage.

Where a motion calls for the adjournment of a debate, it shall be considered only if it is supported by at least four other members who are present in the Chamber.

- immunity

Constitution Article 107. The members of the States-General ...

shall be exempt from prosecution for anything they have said in the Assembly or have submitted to it in writing.

- right to compensation, pensions and allowances

Constitution Article 99. The law shall govern the financial arrangements for members, past members and their relatives. The Chambers of the States-General may adopt draft laws on the matter only if such laws secure at least 2/3 of the votes cast. (See law of 30.10.1968 (Official Journal 564) and law of 10.12.1969 (Official Journal 657)).

(b) Duties

The Constitution<sup>1</sup> makes provision for an oath of allegiance and an oath of purgation.

Constitution Article 96. Members shall vote without mandate or instructions from the electors.

Constitution Article 97. When assuming office they shall take the following oath or make the following promise:

'I swear (promise) allegiance to the Constitution. So help me God. (I do so promise)'

Before being permitted to take the oath or make the promise, they shall take the following oath (make the following declaration and promise) of purgation:

'I swear (promise) that in order to be appointed a Member of the States-General I have not promised or given, directly or indirectly, any gifts or presents to any person under whatsoever name or pretext.'

<sup>1</sup> The statute of the Kingdom makes provision for an oath of allegiance, but not for an oath of purgation.



I swear (promise) that in order to do or refrain from doing anything whatsoever in this office I shall not accept any promises or present, directly or indirectly from any person whomsoever. So help me God. (I do so declare and promise)'. These oaths (promises and declaration) shall be taken or made before the King or at the Assembly of the Second Chamber before the President, authorized thereto by the King.

(c) Formalities

The Rules of Procedure make provision for an attendance register to be signed, which is important with a view to establishing the presence of a quorum and for participation in votes by roll call.

R.O.P. Rule 44. Each member shall sign an attendance register when he arrives for a sitting. As soon as the register has been signed by 76 members, the President shall open the sitting, provided it is time for the meeting to begin. The register shall be kept on the Clerk's desk for signature by members who arrive later.

Rule 2 - Leave

No provisions.

Rule 3 - Verification of credentials

Constitution: Article 108. Save as otherwise provided for by law, each Chamber shall examine the credentials of its newly appointed Members, and shall decide on differences of opinion arising concerning those credentials or the election itself, according to rules laid down by law.

R.O.P.: Rule 3. Each new Member shall give proof of his election by submitting the documents required by law.

R.O.P.: Rule 4. A committee consisting of five members shall be responsible for the verification of member's credentials. The chairman and the other members of this committee shall be appointed by the President. At the end of an electoral term or after dissolution the members of this committee shall be appointed as soon as more than 75 elected members have submitted their credentials. The committee, if necessary along with the President, shall verify any credentials received at a later stage.

After verification of the credentials, of the other documents required, and of the documents received in connection with the election of the members, the committee shall deliver a report either in writing or orally.

The credentials and the documents relating thereto shall be deposited with the Clerk of the Chamber for inspection by members.

R.o.P. Rule 5. Where the committee or the Chamber considers that documents or information are required for the assessment of the legitimacy of an election, it shall ask the minister responsible for the implementation of the electoral law to forward such documents or information to it.

Rule 4 - Termination of membership

Constitution: Article 95. The members of the Second Chamber shall be elected for four years.

They shall vacate their seats and shall be re-eligible immediately.

R.o.P: Rule 147. Should the President take the view that a member can no longer hold his seat because he fails to satisfy one of the conditions of membership or because he occupies a post incompatible with membership and that member calls for an opinion from the Chamber, the Chamber shall not deliver such an opinion until a committee of enquiry, appointed from among its members, has reported on the matter. The committee shall hear the member concerned if the latter so wishes.

Termination by dissolution of the Chamber pursuant to Article 82 of the Constitution.

Rule 5 - Code of Conduct

R.o.P: Rule 56. Should a speaker depart from the subject in a debate, the President shall draw his attention to the matter and call him to order. Where a Member uses offensive language, causes a disturbance, commits a breach of confidence or, be it only by expressing approval, encourages unlawful action, he shall be warned by the President and given the opportunity to retract the statement which gave rise to the warning. If he takes advantage of this opportunity, the statement shall not be recorded in the report of proceedings.

R.O.P.: Rule 57. Should the speaker not avail himself of the opportunity mentioned in the foregoing Rule, but continue to depart from the subject, to use offensive language, to cause a disturbance, to commit a breach of confidence or, be it only by expressing approval, to encourage unlawful action, the President may deprive him of his right to speak. A Member thus deprived may take no further part, during the sitting in which the incident occurred, in the deliberations on the subject under discussion.

## CHAPTER II - SESSIONS OF PARLIAMENT

### Rule 6 - Convening of Parliament

Constitution: Article 110. The States-General shall assemble at least once a year.

Their ordinary sitting shall be opened on the third Tuesday in September.

The King shall convene an ordinary session as often as he shall consider necessary.

R.O.P.: Rule 43. The assembly shall be convened by the President as often as he considers it necessary or if such is requested in writing by 15 members. In the latter case the reasons for convening the assembly shall be given. Where the Bureau has adopted general guidelines for the days on which and the times at which the Chamber shall generally meet, the President shall as far as possible take account of these guidelines. The Chamber may also decide itself on which days and at what time it shall meet again, but in the event of unforeseen circumstances the President shall be free to convene the Chamber at an earlier or later time.

A decision of the Chamber shall be required before a sitting can be continued into the evening and before a night sitting can be held.

Members shall be notified in writing of each sitting in good time. Should this not be possible, the Assembly may be convened in another way.

The subjects to be considered shall be specified in the notice of convocation.

### Rule 7 - Venue of meetings

No provisions.

UNITED KINGDOM

CHAPTER I - MEMBERS OF PARLIAMENT

Rule 1 Duties, rights and style

108. Any Member having secured a seat at prayers shall be entitled to retain the same until the rising of the House.

Seats secured at prayers.

109. Every person returned as a Member of this House may make and subscribe a solemn affirmation in the form prescribed by statute instead of taking an oath.

Affirmation in lieu of oath.

110. Members may take and subscribe the oath required by law at any time during the sitting of the House, before the orders of the day and notices of motions have been entered upon, or after they have been disposed of: but no debate or business shall be interrupted for that purpose.

Time for taking the oath.

Rule 2 Leave

Rule 3 Verification of credentials

Rule 4 Termination of membership

No provisions

Order in the House

22. Mr Speaker or the chairman, after having called the attention of the House, or of the committee, to the conduct of a Member, who persists in irrelevance, or tedious repetition either of his own arguments, or of the arguments used by other Members in debate, may direct him to discontinue his speech.

Irrelevance  
or repetition.

23. Mr Speaker or the chairman shall order any Member or Members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting; and the Serjeant at Arms shall act on such orders as he may receive from the chair in pursuance of this order. But if, on any occasion, Mr Speaker or the chairman deems that his powers under the previous provisions of this order are inadequate, he may name such Member or Members in which event the same procedure shall be followed as is prescribed by Standing Order No.24 (Order in debate).

Disorderly  
conduct.

24. Whenever a Member shall have been named by Mr Speaker, or by the chairman, immediately after the commission of the offence of disregarding the authority of the chair, or of persistently and wilfully obstructing the business of the House by abusing the rules of the House, or otherwise, then, if the offence has been committed by such Member in the House, Mr Speaker shall forthwith put the question, on a motion being made, 'That such Member be suspended from the service of the House'; and, if the offence has been committed in a committee of the whole House, the chairman shall forthwith suspend the proceedings of the committee and report the circumstances to the House; and Mr Speaker shall on a motion being made forthwith put the same question, as if the offence had been committed in the House itself.

Order in  
debate.

Proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business.

(2) If any Member be suspended under this order, his suspension on the first occasion shall continue until the fifth day, and on the second occasion until the twentieth day, on which the House shall sit after the day on which he was suspended, but on any subsequent occasion until the House shall resolve that the suspension of such Member do terminate.

(3) Not more than one Member shall be named at the same time, unless two or more Members, present together, have jointly disregarded the authority of the chair.

(4) If a Member, or two or more Members acting jointly, who have been suspended under this order from the service of the House, shall refuse to obey the direction of Mr Speaker, when severally summoned under Mr Speaker's orders by the Serjeant at Arms to obey such direction, Mr Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and the Member or Members named by him as having refused to obey his direction shall thereupon and without any further question being put be suspended from the service of the House during the remainder of the session.

(5) Suspension from the service of the House shall not exempt the Member so suspended from serving on any committee for the consideration of a private bill to which he may have been appointed before his suspension.

(6) Nothing in this order shall be taken to deprive the House of the power of proceeding against any Member according to ancient usages.

25. Members who are ordered to withdraw under Standing Order No.23 (Disorderly conduct) or who are suspended from the service of the House under

Members suspended, etc. to withdraw from precincts

Standing Order No.24 (Order in debate) shall forthwith withdraw from the precincts of the House, subject, however, in the case of such suspended Members, to the provisions of paragraph (5) of Standing Order No.24 (Order in debate).

26. In the case of grave disorder arising in the House Mr Speaker may, if he thinks it necessary to do so, adjourn the House without putting any question, or suspend the sitting for a time to be named by him.

Power of Mr Speaker to adjourn House or suspend sitting.

## CHAPTER II      SESSIONS OF PARLIAMENT

### Rule 6      Convening of Parliament

#### Earlier Meeting of House

122. (1) Whenever the House stands adjourned and it is represented to Mr Speaker by Her Majesty's Ministers that the public interest requires that the House should meet at a time earlier than that to which the House stands adjourned, Mr Speaker, if he is satisfied that the public interest does so require, may give notice that, being so satisfied, he appoints a time for the House to meet, and the House shall accordingly meet at the time stated in such notice.

Earlier meeting of House in certain circumstances.

(2) The government business to be transacted on the day on which the House shall so meet shall, subject to the publication of notice thereof in the order paper to be circulated on the day on which the House shall so meet, be such as the government may appoint, but subject as aforesaid the House shall transact its business as if it had been duly adjourned to the day on which it shall so meet, and any government order of the day and government notices of motions that may stand on the order book for any day shall be appointed for the day on which the House shall so meet.

(3) In the event of Mr Speaker being unable to act owing to illness or other cause, the Chairman of Ways and Means, or either Deputy Chairman, shall act in his stead for the purposes of this order.

Rule 7      Venue of meetings

No provisions