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13 June 2024

Media Advisory

Publishing amended rules for the first sitting of the National Assembly, National Council of Provinces and Provincial Legislatures by Chief Justice RMM Zondo

Section 51(1) of the Constitution of the Republic of South Africa sets out that after an election, the first sitting of the National Assembly must take place at a time and on a date determined by the Chief Justice, but not more than 14 days after the election result has been declared. Item 9 of Part A of Schedule 3 of the Constitution further empowers the Chief Justice to make rules prescribing the procedure for the election of the President of the Republic of South Africa, Speaker and Deputy Speaker of the National Assembly, Chairperson and Deputy Chairperson of the National Council of Provinces, Premier of a Province, Speaker and Deputy Speaker of a Provincial Legislature.

In line with the powers vested in the Chief Justice by the Constitution, Chief Justice RMM Zondo on 30 May 2024 issued a notice, Gazette No. 50729, outlining the rules for the first sitting of the National Assembly, National Council of Provinces and Provincial Legislatures.

Today, 13 June 2024, Chief Justice RMM Zondo amended the rules for the first sitting of the National Assembly, National Council of Provinces and Provincial Legislatures. The amended rules are attached herewith and are made known in accordance with Item 9(2) of Schedule 3 of the Constitution by replacing Rule 8 and the addition of Rules 9, 10, 11 and 12.

Ends.

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Issued by the Office of the Chief Justice



NOTICE OF AMENDMENT OF THE RULES FOR THE ELECTION OF THE PRESIDENT OF THE REPUBLIC, SPEAKER AND DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY, CHAIRPERSON AND DEPUTY CHAIRPERSONS OF THE NATIONAL COUNCIL OF PROVINCES, PREMIER OF A PROVINCE, SPEAKER AND DEPUTY SPEAKER OF A PROVINCIAL LEGISLATURE APPROVED BY CHIEF JUSTICE RMM ZONDO ON 27 MAY 2024 AND PUBLISHED IN GOVERNMENT NOTICE 50729 ON 30 MAY 2024

By virtue of the powers vested in me in terms of item 9 Part A of Schedule 3 to the Constitution of the Republic of South Africa, 1996, I, the undersigned,

Raymond Mnyamezeli Mlungisi Zondo,

Chief Justice of the Republic of South Africa, hereby give notice that, with immediate effect, the Rules referred to above are hereby amended as follows

(a) By replacing Rule 8 with the following:

PROCEDURAL MATTERS

8. (1) This rule shall apply to any procedural matters not provided for in these Rules which are relevant to the business of the day.
- (2) A question of procedure may be raised, with the presiding officer's leave, by a member or, in the event of an election under these rules in the National Council of Provinces, a head of a provincial delegation on behalf of a delegation, and seconded by another member or by a head of another delegation on behalf of such other delegation, as the case may be.
- (3) If he or she considers it necessary or desirable in a particular case, the presiding officer may permit a discussion of the question and may limit participation in, and the duration of, the discussion in such manner as he or she thinks fit.
- (4) A question of procedure posed by a member and seconded by another member in terms of this Rule must –
- (a) address a procedural matter in relation to the proceedings to which these rules apply; and

(b) be raised at the earliest opportunity.

(b) by the addition of Rules 9, 10, 11 and 12 which reads as follows:

ORDER IN PROCEEDINGS

9. (1) Members must conduct themselves in an orderly manner and may not engage in conduct which impedes proceedings in any way.

(2) If the presiding officer is of the opinion that a member is refusing to abide by the rules, or is deliberately creating disorder, he or she may order the member to leave the Chamber immediately for the remainder of the sitting.

(3) If a member refuses to leave the Chamber when ordered to do so by the presiding officer, the presiding officer may call upon the Legislature's designated Protection Services to assist in removing the member from the Chamber.

(4) The presiding officer may suspend proceedings in the event of a removal of a member from the Chamber; if proceedings are suspended for the purposes of removing a member, all other members must remain seated or resume their seats, unless otherwise directed by the presiding officer.

(5) In the event of violence ensuing in the Chamber as a result of a member resisting removal, the presiding officer may suspend proceedings, and members of the security services may be called upon to assist with the removal of identified members from the Chamber; provided that the Security Services may intervene directly anywhere when there is immediate danger to the life or safety of any person or damage to any property.

(6) When entering the Chamber on the instruction of the presiding officer —

(a) members of the Legislature's designated Protection Services may not be armed; and

(b) members of the Security Services may not be armed, except in circumstances when there is immediate danger to the life or safety of any person or damage to any property.

MAINTENANCE OF ORDER AND DECORUM

10. (1) If at any stage of the sitting, the presiding officer forms the opinion that one or more members is or are, either individually or collectively, behaving in a manner that is either designed to disrupt the sitting or to prevent, or unduly delay, the due and timeous finalisation of the business of the day, or is or are behaving in a manner that may have such effect, he or she may order such member or members to leave the Chamber for the remainder of the sitting.

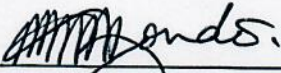
(2) Should such member or members refuse or fail to leave the Chamber after the presiding officer has made such an order, the presiding officer may call upon the Legislature's designated Protection Services to assist in removing the member or members from the Chamber. The provisions of Rule 9(4) and (6) above shall apply under this Rule as well.

UNACCEPTABLE LANGUAGE OR GESTURES

11. No member may use offensive, abusive, insulting, disrespectful, unbecoming or unacceptable words or language, nor offensive, unbecoming or threatening gestures.

UNFORESEEN CIRCUMSTANCES

12. Should any issue/matter arise during the sitting which is relevant to the business of the day but is not provided for in these Rules, the presiding officer shall have the power to deal with it as he/she deems fit.



RMM ZONDO
Chief Justice of South Africa
13 June 2024