FALKLAND ISLANDS

LEGISLATIVE ASSEMBLY

STANDING RULES AND ORDERS

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LEGISLATIVE ASSEMBLY
STANDING RULES AND ORDERS

PART I
INTRODUCTORY

Interpretation and meetings

1.(1) For the purposes of this Standing Order and unless the context otherwise requires –

"Ex-Officio" Members of the Assembly shall be the Chief Executive, the Financial Secretary, and the Speaker.

"Committee of the Whole" means a Committee consisting of all the elected and official Members of the Assembly;

"session" means the meetings of the Legislative Assembly commencing when the Assembly first meets after a general election, and terminating when the Assembly is dissolved;

"Speaker" includes the Deputy Speaker, and any Member of the Assembly presiding at a sitting of the Assembly;

"sitting" means in relation to the Legislative Assembly the period during which the Assembly sits continuously without adjournment, and includes any period during which it is in Committee.

"virtual meeting" means a meeting of the Legislative Assembly in which some or all members are not physically present together but are in communication with one another by electronic means.

1A. Virtual meetings

(1) Subject to paragraph (2), if a member of the Legislative Assembly is not physically present at a meeting or sitting of the Legislative Assembly the Legislative Assembly may hold a virtual meeting.

(2) All the members of the Legislative Assembly participating in the virtual meeting, both those physically present and those not physically present, must agree that —

(a) the means of communication are sufficient, in particular so that —

(i) the members are able to hear and be heard;

(ii) the members are able access all of the documents to be considered at the virtual meeting; and

(b) access to the virtual meeting by members of the public and the press who would ordinarily be permitted to attend the relevant meeting or sitting is adequately facilitated.

(3) A committee of the Legislative Assembly may hold a virtual meeting if a member of the committee is not physically present, and the criteria set out in paragraph (2) are met in relation to the virtual meeting.

(4) The Standing Orders must, as far as reasonably possible, be construed to enable the efficient and effective conduct of a virtual meeting.

(5) Schedule 8 applies in relation to a virtual meeting.".

(2) Each session of the Legislative Assembly shall be held at such place within the Falkland Islands and shall begin at such time as the Governor may appoint by Proclamation published in the Gazette.

(3) A sitting of the Legislative Assembly shall begin -

(a) at the time specified as mentioned under paragraph (2) above; (and in such a case, no notice to Members is required under Paragraph (4) below)

(b) on such day, at such time and at such place as is notified by the Clerk, on the instructions of the Governor, to the Members of the Assembly.

(4) Except as provided in paragraph (3) above and paragraph (5) below, the Clerk shall give to each Member of the Legislative Assembly at least twenty-one days' notice in writing, of the commencement of a sitting of the Assembly.

(5) If the Governor considers that particular circumstances require a sitting to be held more urgently than the giving of at least twenty-one days' notice would permit, less than that notice may be given.

(6) Where the Assembly adjourns from one day to another, specified in the Motion for Adjournment and not being later than seven days from the adjournment, the proceedings on the day so specified form part of the same sitting and, accordingly no notice is required under paragraph (4) above. Similarly, no notice is required where the Assembly goes into recess for part of a day, or where the proceedings of the Assembly are suspended for a part of a day or for a period not exceeding two days and, for the purposes of this Standing Order, the Assembly shall be deemed to have been sitting throughout the relevant period.

Commencement proceedings of the Assembly

2.(1) The proceedings of the Assembly commence or recommence when the Speaker enters the Assembly Chamber, and cease when the Speaker leaves the Assembly Chamber.

(2) No Member or other person entitled to speak at meetings of the Assembly shall speak at any time that the Speaker is standing. When the Speaker enters the Assembly Chamber and at every other time that he is standing, all Members shall rise in their places and remain standing until he resumes his seat or leaves the Assembly Chamber. Members may, however, sit during an Address by the Governor.

Prayers

3.(1) The proceedings at each sitting of the Assembly shall commence with prayers read by some member of the clergy or, if there be none conveniently available, by the Clerk or some other person approved by the Speaker.

(2) The prayers shall be such as have customarily been read at the commencement of a sitting of the Assembly, or are otherwise approved by the Speaker for use.

(3) Members shall remain standing throughout the reading of the prayers.

Infirm Members

4. Notwithstanding Standing Orders 2 and 3 a Member may remain seated if by reason of illness or bodily infirmity he has been specially permitted by the Speaker so to do.

Order paper

5.(1) Unless the Governor directs otherwise, two clear days at least before the day on which a sitting of the Assembly begins the Clerk shall send to every Member of the Assembly a paper, to be known as the Order Paper, on which shall be set out the business of the sitting, so far as it be then known, and the order in which it is intended to be transacted.

(2) Business shall be set out on the Order Paper in the following order -

(i) Prayers;

(ii) Election of a Speaker and/or Deputy Speaker where the office of Speaker and/or Deputy Speaker is vacant by reason of dissolution of the Legislative Assembly having occurred or for any other reason;

(iii) If the Speaker and the Deputy Speaker are absent, the election of a Member of the Assembly to preside at that sitting of the Assembly;

(iv) Administration of the Oath of Allegiance and the Oath for due execution of office to the Speaker and/or Deputy Speaker, if newly elected

(v) Administration of the Oath of Allegiance to any person if the same be necessary;

(vi) Election of members of Executive Council;

(vii) Election of elected Members of Public Accounts Committee;

(viii) Address by the Governor;

(ix) Motion of thanks;

(x) Confirmation of Record;

(xi) Statement;

(xii) Laying of Papers on the Table;

(xiii) Questions for oral answer, pursuant to Standing Order 37;

(xiv) Questions for oral answer, pursuant to Standing Order 40;

(xv) Motions of which notice has been given pursuant to Standing Order 43;

(xvi) Petitions of which notice has been given pursuant to Standing Order 42;

(xvii) Reports or Accounts of any kind, including Portfolio reports;

(xviii) Government Bills;

(xix) Any other Public Business;

(xx) Private Bills.

(3) The business of each sitting shall, unless the Speaker or other person presiding shall otherwise agree, be transacted in the order it is set out in the Order Paper.

(4) If the hour of six in the evening has been reached on any sitting day

and the business set out on the Order Paper for that day has not been completely transacted, the Speaker or other person presiding may at any time thereafter state that the Assembly stands adjourned to such day and time as he shall then announce. On such statement the Assembly shall forthwith adjourn without question being put.

The Speaker

6.(1) The Speaker, if present shall preside at all sittings of the Assembly.

(2) If the Speaker is not present at a sitting of the Legislative Assembly, the Deputy Speaker or such member of the Assembly, as may have been appointed pursuant to section 39(1)(c) of the Constitution shall preside thereat.

(3) The functions of the Speaker (and where appropriate, the Deputy Speaker) shall be as set out in Schedule 5 of Part VI to these Standing Orders.

(4) The official dress of the Speaker shall be such as the person elected shall determine in agreement with Members, and such official dress shall be worn at the sittings of the Assembly and on such other ceremonial occasions as the Speaker and the Assembly think proper.

Election of Speaker

7.(1) Immediately after Prayers have been said at the first meeting of the Legislative Assembly following a general election, and before the administration of the Oath of Allegiance to the newly elected Members of the Legislative Assembly, the persons who have been elected at the General Election as Members of the Legislative Assembly shall proceed to elect a person to be the Speaker of the Legislative Assembly. The person who was Speaker of the Legislative Assembly immediately preceding its dissolution may be re-elected to the office of Speaker.

(2) The persons who were elected at the General Election to be Members of the Legislative Assembly may take part in the election of the Speaker notwithstanding that they have not yet taken the Oath of Allegiance.

(3) The Attorney General shall preside for the purposes of such election. The Attorney General shall call for nominations of a person to be the Speaker of the Legislative Assembly and if only one person is nominated he shall if qualified under the Constitution to be appointed Speaker, be declared to be duly appointed as Speaker. In the event that more than one person is nominated for election as Speaker an election shall be conducted by secret ballot among the persons elected to be Members of the Legislative Assembly at the preceding General Election. If more than two persons have been nominated for election as Speaker successive ballots shall be conducted until one candidate receives more than half of the votes cast in the ballot with the candidate obtaining the

lowest number of votes being eliminated in each successive ballot. In the event that two or more candidates have an equal number of votes and this is the least number of votes received the candidate to be eliminated shall be determined by lot, unless the persons entitled to vote determine to the contrary.

(4) A person declared to have been elected as Speaker shall, if present, immediately take his seat as Speaker of the Legislative Assembly.

(5) This Standing Order shall apply, with all necessary modifications, in the event of a casual vacancy in the office of Speaker occurring for any reason.

Election of Deputy Speaker

8.(1) Immediately after the election of the Speaker at the first meeting of the Legislative Assembly following a dissolution of the Legislative Assembly, and before the administration of the Oath of Allegiance to the newly elected Members of the Legislative Assembly, the persons who have been elected at the General Election as Members of the Legislative Assembly shall proceed to elect a person, qualified in accordance with the Constitution to be so elected, to be the Deputy Speaker of the Legislative Assembly. The person who was Deputy Speaker of the Legislative Assembly immediately preceding its dissolution may be re-elected to the office of Deputy Speaker.

(2) The persons who were elected at the General Election to be Members of the Legislative Assembly may take part in the election of the Deputy Speaker notwithstanding that they have not yet taken the Oath of Allegiance.

(3) The Speaker, or in the absence of the Speaker the Attorney General, shall conduct the election of the Deputy Speaker in the same procedure as detailed in Standing Order 7(3).

(4) A person declared to have been elected as Deputy Speaker shall, if present, immediately take up his appointment as Deputy Speaker of the Legislative Assembly.

(5) This Standing Order shall apply, with all necessary modifications, in the event of a casual vacancy in the office of Deputy Speaker occurring for any reason.

The Election of Members to Executive Council

9. The election of members of the Executive Council pursuant to section 58(1), (2) or (4) of the Constitution shall be conducted (if there is more than one candidate in respect of any vacancy) by successive ballots in similar manner to that provided in relation to the election of the Speaker in Standing Order 7(3).

Voting by person

10.(1) A person presiding in the Assembly who is not an elected

presiding

Member shall not vote in relation to any question before the Assembly. An elected Member presiding in the Assembly shall only vote in the circumstances mentioned in paragraph (2) of this Standing Order.

(2) An elected Member presiding in the Assembly shall not vote unless on any question the votes are equally divided, in which case he shall have and shall exercise a casting vote.

Determination of questions (s.44 (1) & (3) Constitution)

11.(1) Save as provided by the Constitution and by Standing Order 10 above any question proposed for decision at a sitting of the Assembly shall be determined by a majority of the votes of the elected Members present and voting.

(2) If, after taking into account any casting vote given in accordance with the Standing Order 10(2) above, the votes of the elected Members are equally divided the person presiding shall declare the Motion lost.

(3) A vote shall be taken in the manner prescribed in Standing Order 69 below.

Language

12. The proceedings of the Assembly shall be in English.

Quorum of Assembly 43.(1 & 2) Constitution

13.(1) If at any sitting of the Assembly any Member of the Assembly who is present draws the attention of the person presiding at the sitting to the absence of a quorum, the person presiding shall require the Clerk by voice to summon Members, and if at the end of five minutes a quorum be not present, the person presiding shall adjourn the Assembly without question put.

(2) As set out in section 43(2) of the Constitution, the quorum of the Assembly is six elected Members, excluding the person presiding.

Record to be kept by the Clerk

14.(1) The Clerk shall keep a record of the proceedings of the Assembly and of any Committee of the Whole.

(2) So soon as is practicable after the conclusion of every sitting of the Legislative Assembly, the Clerk shall transmit a copy of the draft record of the proceedings at the sitting to each Member, and also to any persons attending that sitting pursuant to section 41 of the Constitution.

(3) The record shall record the names of Members and persons attending the sitting pursuant to section 41 of the Constitution, all decisions of the Assembly, formal or informal made at that sitting, and in the case of a division, the numbers of voting for and against the question and the names of Members so voting.

(4) On receipt of the draft record of any sitting of the Assembly, any person to whom a copy of it has been sent pursuant to paragraph (2) above, may draw the Clerk's attention to any apparent error in the record of that sitting. The Clerk, if satisfied that it is necessary to correct the draft record, and that any such correction will in no way alter the sense of anything actually said, or record anything not actually said, amend the draft record accordingly. The Clerk may, in any case, amend the draft record so as to correct any error of punctuation or spelling.

(5) The draft record as corrected, if at all, shall be confirmed at the next sitting of the Assembly, subject to any amendment to it then agreed by the Assembly. After the record of any sitting has been so confirmed no alteration may be made to it. Confirmation shall be signified by the record being signed by the Speaker.

Custody of records etc.

15.(1) The Clerk shall have custody of all votes, records, Bills, papers and other documents laid before the Assembly.

(2) All things of which the Clerk has custody under paragraph (1) above shall, except as otherwise resolved by the Assembly or as provided by Standing Order 16 (4) below, be open to inspection at any reasonable time by any person.

Presence of public

16.(1) Except as otherwise provided under this Standing Order, the public shall be permitted to be present during the proceedings of the Assembly and of any Committee of the Whole.

(2) If any member of the public present during any sitting of the Assembly, or of the Committee of the Whole, shall behave himself in a manner disruptive of the proceedings of the Assembly or of the Committee of the Whole, or otherwise act in a disorderly manner, the Speaker or Chairman, as the case may be, may require that person to leave the Assembly Chamber or other place in which the Assembly or Committee is sitting and to remain absent therefrom, and the precincts thereof, until after the adjournment of the Assembly or Committee of the Whole, but where the Assembly is to sit again that day the Speaker or Chairman of the Committee may require that person to absent himself until after the adjournment of the Assembly.

(3) The Speaker of his own motion or at the request of any Member of the Assembly, may require all members of the public to withdraw during the consideration by the Assembly or of the Committee of the Whole of any matter. No such requirement shall be made unless the Speaker considers it in the public interest, for a reason or reasons he shall disclose at the time, that such a requirement shall be made. If and whenever a requirement to withdraw is made, all members of the

public shall withdraw during consideration of the item.

(4) Where the Speaker requires members of the public to withdraw, the record of proceedings of the Assembly during the time in question shall not be open to public inspection under Standing Order 15(2) above.

(5) For the purposes of this Standing Order, "member of the public" includes journalists and broadcasters, and on being requested to withdraw, all broadcasting and recording equipment is to be turned off, if left in the Assembly Chamber.

(6) For the purposes of this Standing Order "member of the public" shall not apply to a Member feeding, or otherwise caring for, their infant child (who is under twelve months of age) who is not disrupting the proceedings of the House.

Cameras, eating, smoking etc.

17.(1) No person shall use any camera, including any television or video camera, during the proceedings of the Assembly or of the Committee of the Whole without the prior consent of the Speaker.

(2) Any person may, subject to any direction by the Speaker to the contrary, use an audio recorder during any time that the public as a whole are not excluded from the proceedings of the Assembly or a Committee of the Whole.

(3) No person shall smoke or eat in the Assembly Chamber during such time as the Assembly or a Committee of the Whole is sitting.

(4) No person shall use a mobile telephone to communicate by voice, or allow it to be in a condition where it could cause a disturbance during such time as the Assembly or a Committee of the Whole is sitting.

(5) No person may operate any computer or electronic equipment inappropriately or where it could cause a disturbance during such time as the Assembly or a Committee of the Whole is sitting.

Order of seating

18.(1) Subject to paragraph (2) below, and to any resolution of the Assembly to the contrary, the seating arrangements for sittings of the Assembly and a Committee of the Whole shall be as follows -

(a) the Speaker;

(b) to the Speaker's right the Clerk of the Legislative Assembly and the Attorney General, in that order;

(c) to the right of the Attorney General, the Chief Executive

and the Financial Secretary in that order;

(d) to the right of the Financial Secretary, the three elected members of the Executive Council in alphabetical order of their surnames, but if the surnames of any one or more of them shall be identical, the order of their seating as between them shall be determined by the alphabetical order of their forenames;

(e) to the right of the three elected members of the Executive Council, the other elected Members of the Assembly in alphabetical order of their surnames but, if the surnames of any one or more of them shall be identical, the order of their seating as between them shall be determined by the alphabetical order of their forenames;

(f) to the right of the last of the other elected Members (and to the left of the Speaker) the Commander British Forces South Atlantic Islands.

(2) When the Assembly first meets after a general election, the seating in paragraph (1) above shall be varied so that paragraph (e) thereof (varied appropriately) applies in respect of all elected Members until after the election of Members to the Executive Council.

Administration of Oath or Affirmation of Allegiance

19.(1) At every sitting of the Legislative Assembly when it first meets following the election of any Member or Members of the Legislative Assembly, (other than when a Speaker or Deputy Speaker is to be elected), immediately after the usual prayers at the commencement of the sitting have been said, and before the Assembly proceeds to any other business, the newly elected Member or Members, if present, shall be invited to take the Oath or Affirmation of Allegiance. If there are more than one newly elected Member, the Oath or Affirmation shall be administered in the alphabetical order of their names.

(2) If a newly elected Member arrives within the bar of the Assembly Chamber after the Assembly has proceeded to business other than the usual prayers, the Assembly shall proceed with the item of business with which it is engaged until a point in it where, in the Speaker's discretion, the administration of the Oath or Affirmation may be interposed, and if there be none, it shall be interposed immediately before the next succeeding item of business on the Order Paper.

(3) The Oath or Affirmation of Allegiance shall be in the form prescribed by Annex B to the Constitution.

(4) Save as provided by Standing Order 4 (infirm Members), Members of the Assembly shall stand and remain standing during the administration of the Oath or Affirmation of Allegiance.

(5) A newly elected Member shall not, except so far as is necessary to enable him to take the Oath or Affirmation of Allegiance, take part in the proceedings of the Assembly by speaking upon or voting upon any matter, subject to Standing Order 7(2) and 8(2), until such Oath or Affirmation is made. He shall, however, if present, be counted as an elected Member of the Assembly for the purpose of determining whether a quorum is present under Standing Order 13.

(6) The foregoing paragraphs of this Standing Order apply to ex officio members of the Assembly with all necessary adaptations.

Penalty for sitting or voting when unqualified

20.(1) Any person who sits or votes in the Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall, if the Attorney General refers the matter to the Assembly and the Assembly so decides, be liable to a fine of up to Level 4 on the Standard Scale of fines for summary offences in respect of each sitting day on which he does either of those things.

(2) On each occasion that the Attorney General institutes proceedings in the Supreme Court for recovery of the penalty under section 47(2) of the Constitution the fact that he has done so shall be reported to the Clerk, and the Clerk shall notify the Assembly and the result of any such proceedings shall be similarly reported and notified.

Declarations of interest

21.(1) Every Member of the Legislative Assembly and the Attorney General shall furnish to the Clerk to the Legislative Assembly such particulars of his registerable interests as are required by Standing Order 22, and shall notify to the Clerk within four weeks of the same occurring any changes in his registerable interests, and the Clerk shall cause those particulars to be entered in a Register of Members' Interests.

2) As soon as possible after the Legislative Assembly first meets after a General Election the Clerk shall send to each person to whom paragraph (1) applies a form complying with Schedule 1 to these Standing Orders. The Clerk shall similarly send such a form to any person returned at a by-election for a Member of the Legislative Assembly as soon as possible after that person takes his seat as a Member of the Legislative Assembly and shall send such a form to any person appointed as Speaker, Deputy Speaker, Chief Executive, Financial Secretary or Attorney General as soon as possible after the Clerk to the Legislative Assembly learns of his appointment.

(3) A person receiving a form sent to him in accordance with

paragraph (2) shall complete it so as to disclose his registerable interests and return it to the Clerk within four weeks.

(4) Within two months after the first meeting of the Legislative Assembly following a General Election and at intervals of twelve months thereafter if no amendments have been made to the Register in the interim the Clerk shall publish the Register of Members' interests in such manner as the Legislative Assembly may approve and, in any case, by publishing a copy of it in the *Gazette.* Similarly, the Clerk shall within one month of receiving a form from a Member elected at a By-election, publish in the *Gazette* the information appearing in the Register in relation to the Member.

(5) Whenever the Clerk is notified by a person pursuant to paragraph (1) of a change in his registerable interests, the Clerk shall amend the Register accordingly and as soon as possible publish particulars of the change in the Gazette.

(6) Whenever a Register has been prepared pursuant to this Standing Order a copy of it, as amended to date, shall be available for inspection by any person at all reasonable times during office hours at the office of the Clerk.

(7) The registration of an interest of an elected Member in the Register provided for by this Standing Order shall be sufficient disclosure of that Member's interest for the purpose of voting in the Legislative Assembly or in any of its Committees.

Categories of registerable interests

22.(1) For the purpose of the Register of Members' interests provided for by Standing Order 21(1), Members' interests shall be divided into the following ten categories—

Category 1: Remunerated directorships, whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group

Category 2: Remunerated employment, Office or Profession

Category 3: Clients in respect of whom the Member holds a general retainer or in respect of whom he has in the last twelve months, or expects in the next twelve months, to provide services for payment where a member of the public might reasonably think that the Member's conduct in or in relation to the business of the Legislative Assembly might have been or might be influenced by the client's interests.

Category 4: Sponsorships. Any form of sponsorship or financial or material support of a Member which involves any payment, benefit or

advantage whether to the Member or any other person with whom the Member is closely connected.

Category 5: Gifts, benefits and hospitality.

Category 6: Overseas visits relating to or arising out of membership of the Legislative Assembly where the cost of any such visit has not been borne wholly by the Member or out of Falkland Islands public funds

Category 7: Any gifts or material benefits or advantages received by the Member or the Member's spouse or partner from or on behalf of overseas Governments, organisations or persons;

Category 8: Land or property of a substantial value or from which a substantial income is gained.

Category 9: The names of companies or other bodies in which the Member, or his spouse or partner has, to his knowledge, either solely, or with or on behalf of his spouse, partner or children under the age of 18 years, a beneficial interest in shareholdings of a nominal value greater than one per cent of the issued share capital, or if less than one per cent of more than £25,000.

Category 10: Any relevant interest, not covered by one of the main categories which falls within the main purpose of the Register, which is to provide information on any pecuniary benefit which a Member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Assembly, or actions taken in his or her capacity as a Member of the Legislative Assembly OR which the Member considers might be thought by others to influence his or her actions in a similar manner, (even though the Member receives no financial benefit).

(2) In the above Categories, a reference to "remuneration" and "being remunerated" includes not only salaries and fees, but also to the receipt of any expenses, allowances and benefits, whether taxable or not, such as the provision of a company car. In relation to Category 1, it is necessary to register the name of the company in which the directorship is held and to give a broad indication of the company's business, where that is not self-evident from its name. In addition to any remunerated directorships, a Member is also required to register any directorships he or she holds which are themselves unremunerated but where the companies in question are associated with, or are subsidiaries of, a company in which he or she holds a remunerated directorship. Otherwise Members are not required to register unremunerated directorships under Category 1, but should consider whether they should be registered under Category 10.

(3) Companies which have not begun to trade or which have ceased trading need not be registered, either under Category 1 or under Category 9. "Not trading" should, however, be interpreted in a strict sense; if a company is engaged in any transaction additional to those required by law to keep it in being, then a remunerated directorship in that company should be registered. If a Member wishes to register a directorship in a company which is not trading, then the Member should make the position clear by adding the words "not trading" after the name of the company. It is suggested that unremunerated directorships on behalf of the Government should be registered under Category 10.

(4) All employment outside the Legislative Assembly and all sources of remuneration which do not clearly fall within another Category should be registered under Category 2. When registering employment, Members should not simply state the employer's name and the nature of its business, but should also go on to state the nature of the post which they hold in the company or the services for which the company remunerates them. Members who have paid posts as consultants or advisers as employees of a company should indicate the nature of the consultancy. Members who have previously practised a profession may wish to register that profession under Category 2 with a bracketed remark such as "(non-practising)". This is particularly desirable in cases of sleeping partnerships where the Member intends to resume the partnership at some future date.

(5) Category 3 does not require a lawyer or accountant or a consultant to disclose the names of all of his clients. An accountant would not disclose under this Category the name of a client simply because he audited that client's books. Nor would a lawyer register the name of a client because he had acted for that client on the purchase of a property or in connection with a driving offence. The object of the Category is to obtain a disclosure of clients for whom the accountant, lawyer, similar professional or consultant has a continuing relationship of a professional kind and where a member of the public might reasonably think that the Member's actions or conduct in the Legislative Assembly might be influenced by the interests of his client.

(6) Category 4 relates to any regular or continuing support from companies or organisations from which the Member receives any financial or material benefit in support of his or her role as a Member. Members should register any sponsorship arrangement in which they are personally involved and irrespective of whether they receive personal payment. Under this Category Members should also register any substantial donations which are made by an organisation or company on a regular basis.

(7) Under Category 5 any gift of greater value than £150 or such sum for the time being specified by a Resolution of the House or any material benefit of a value greater than 1% of the current elected Members allowance should be registered. Included under this Category are tangible gifts, such as money, jewellery, glassware etc and other benefits such as hospitality, tickets to sporting and cultural events, provision of services etc. Any gift or other benefit which relates in any way to membership of the Legislative Assembly and is given free or at a cost below that generally available to members of the public should be registered under this Category whenever the value of the gift or benefit is greater than the amounts specified. Any similar gift or benefit which is received by any company or organisation in which the Member, or the Member and the Member's spouse or partner jointly, have a controlling interest should also be registered. However, gifts and benefits known to be available to all Members of a Legislative Assembly need not be registered nor need gifts and material benefits which do not relate in any way to membership of the Legislative Assembly. The Member is required to consider, in relation to registration under this Category of a gift, both the possible motive of the giver and the use to which the gift is put. The Member need not register the gift if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the Legislative Assembly or would not reasonably be thought by others to be so related. If the Member, having applied these tests, is in any doubt as to whether the gift should be registered then he should register it.

(8) Members are not required to register under Category 6 any overseas visit where the cost of travel and accommodation is met by the Falkland Islands Government or by the Commonwealth Parliamentary Association or the United Kingdom Government. Where any part of the cost of travel or accommodation overseas is not paid for by the Member or a close relative of the Member, by the Members employer or company, then particulars of the places visited, the purposes of the visit and the company or organisation or person paying the whole or part of the costs should be registered.

(9) The financial limits and guidelines which apply in relation to Category 5 also apply in Category 7. Members should enter a cross reference under this Category where an interest already entered in Categories 1, 2 or 3 entails the receipt of payments from abroad.

(10) Under Category 8 all land or property whether held freehold or leasehold should be entered. Entries should be reasonably specific as to the nature of the property and its general location.

(11) Under Category 9, when determining whether or not shareholdings are registerable, Members should include not only holdings in which they themselves have a beneficial interest but also

those in which the interest is held by, or on behalf of, their spouse, partner or dependent children. For each registerable holding, the entry should state the name of company or body, briefly indicate the nature of its business, and make clear which of the criteria for registration is applicable. In considering whether to register any shareholding falling outside the criteria set out in the Category, Members should bear in mind that the main purpose of the Register is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Assembly, or actions taken in his or her capacity as a Member of the Legislative Assembly. If a Member considers that any shareholding which he or she holds falls within the main purpose of the Register, the Member should register the shareholding either in Category 9 or under Category 10.

(12) The main purpose of Category 10 is to enable Members to enter in the Register **any interest** which they consider to be relevant to the Registers purpose, but which do not obviously fall within any of the other categories. Members should bear in mind that they are responsible for making a full disclosure of their own interests in the Register, and if they have relevant interests which do not clearly fall into one or other of the specified categories, they will nonetheless be expected to register them. While the general principle of the Register is that the requirement to register is limited to interests entailing remuneration or other material benefit, if a Member considers that an unremunerated interest which the Member holds might be thought by others to influence his or her actions in a similar manner to a remunerated interest, the Member should register that interest under Category 10.

Prohibition of advocacy

23.—(1) It is inconsistent with the dignity of the Legislative Assembly, with a duty of an elected Member to his constituents, and with the maintenance of the privilege of freedom of speech for any Member of the Legislative Assembly to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in the Legislative Assembly or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in the Legislative Assembly, the duty of a Member being to his constituents and to the country as a whole, rather than to any particular section thereof.

(2) Without prejudice to the generality of paragraph (1), no Member shall, in consideration of any remuneration, fee, payment or reward or benefit in kind, direct or indirect, which the Member or any member of his family has received or expects to receive —

(i) advocate or initiate any cause or matter on behalf of any outside body or individual, or

(ii) urge any other Member to do so,

by means of any speech, Question, Motion, introduction of a Bill or Amendment to a Motion or a Bill.

(3) When a Member has received, is receiving or expects to receive a pecuniary benefit from a body (or individual) outside Legislative Assembly (not being the Government) the Member may not initiate any Legislative Assembly proceeding which relates specifically and directly to the affairs and interests of that body (or individual) any client of such a body (or individual), or to any group, sector, category or organisation whose affairs and interests are substantially the same as those of the outside body (or individual).

(4) When making a speech or participating in any other Legislative Assembly proceedings, advocacy is prohibited which seeks to confer benefit exclusively upon a body (or individual) outside the Legislative Assembly (other than the Government), from which the Member has received, is receiving or expects to receive a pecuniary benefit, or upon any client registerable under Standing Order 22 of such a body (or individual). Otherwise a Member may speak freely on matters which specifically and directly relate to the affairs and interests of a body (or individual) from which he or she receives a pecuniary benefit, provided the benefit is properly registered and declared pursuant to these Standing Orders.

(5) Paragraphs (1) and (2) apply equally to any registerable or declarable pecuniary benefit irrespective of the source of that benefit.

(6) Paragraphs (1) and (2) apply so as to include relevant payments to a member of the Member's family, but any payment to a member of the family of any Member which arises out of the family member's own occupation is not to be regarded as a benefit for the purposes of paragraph (1) and (2).

Declaration of Members' interest

24.(1) In any debate or proceeding of the Legislative Assembly or its committees or transactions or communications which a Member may have with other Members or with servants of the Crown, a Member shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.

(2) Any interest disclosed in a copy of the Register of Members' Interests maintained pursuant to Standing Order 21(1) shall be regarded as sufficient disclosure for the purpose of taking part in any

vote of the Legislative Assembly or of any of its committees.

(3) In paragraph (1) the expression "proceeding" shall be deemed to include the asking of a written or oral question but not the asking of a supplementary question.

(4) Except as provided in the preceding paragraph, the Member shall declare his interest at the beginning of his remarks. It is a matter for his judgement, if his interest is already recorded in the Register, whether he simply draws attention to the entry or makes a fuller disclosure.

(5) It is the responsibility of the Member to judge whether a pecuniary interest is sufficiently relevant to a particular debate, proceeding, meeting or other activity to require a declaration. The test of relevance is the same for a declaration of interest as it is for registration of an interest: namely, that a pecuniary interest should be declared if it might reasonably be thought by others to influence the speech, representation or communication in question. A declaration should be brief but sufficiently informative to enable a listener to understand the nature of the Members interest.

(6) In Select Committee, declarations of relevant pecuniary interests should be made, and minuted in the Committee's minutes of proceedings, both when the Committee is deciding on a subject of inquiry and in the presence of witnesses when evidence is taken during an inquiry.

(7) Members are required to declare any relevant interest in any transactions or communications which a Member may have with other Members or with servants of the Crown (including in the latter expression the staff of statutory corporations).

Code of Conduct

25. As soon as possible after the Legislative Assembly first meets after a General Election the Clerk shall send to each elected Member two copies of the Code of Conduct and Duties of Members as detailed in Part VI Schedule 2 and 3. One copy of each document must be signed by the elected Member and returned to the Clerk as soon as possible. Similarly, the Clerk shall send such copies to any Member who is returned at a by-election as soon as possible after that Member takes his seat in the Assembly, and shall ensure that signed copies are returned.

Non-declaration of interests and breaches of the Code of Conduct

26. (1) An "aggrieved person" (as defined by the Complaints Commissioners Ordinance 2010) may refer any matter to the Speaker if he has reason to believe that a Member of the Legislative Assembly may have failed to comply with a requirement of Standing Orders 22, 23 or 24 regarding the registration or declaration of an interest, or who

may have breached a provision of the Code of Conduct. At the discretion of the Speaker the matter may be referred for investigation by the Principal Complaints Commissioner (as established under the Complaints Commissioners Ordinance 2010). Should the Speaker decline to refer the matter to the Principal Complaints Commissioner, such decision may be appealed to the Governor.

(2) Any person who has reason to believe that an elected Member of the Legislative Assembly has failed to discharge the duties of a Member of the Legislative Assembly may refer the matter to the Speaker. At the discretion of the Speaker the matter may be resolved informally, or referred for further investigation by an independent person appointed by the Speaker. Should the Speaker decline to refer the matter to an independent person, such decision may be appealed to the Governor.

(3) The results of an investigation under 26(1) or (2) above together with any findings and recommendations will be reported to the Speaker, with copies of the report provided to: the complainant, the Governor, the Member to whom the complaint relates and to the Clerk of the Legislative Assembly

(4) Any investigation must be fair, and in particular provide a Member who is the subject of an investigation or complaint with the opportunity:

(a) to make representations to the investigator about the investigation or complaint;

(b) to make representations to the investigator about any draft findings and recommendations before those findings and recommendations are reported to the Speaker.

(5) The Speaker will, on receipt of the report presented by the Principal Complaints Commissioner, or by an independent person, cause the report to be tabled and/or debated in the Legislative Assembly which will be the sole arbiter of any further action to be taken against any Member who is the subject of an investigation under this Standing Order.

(6) The Legislative Assembly when considering any such reports may at its sole discretion take any of the actions listed in (7) below. In exercising its discretion, the Legislative Assembly acts in a quasi judicial capacity and will act fairly and reasonably. The Legislative Assembly in exercising its discretion will have regard to any recommendations made in the report.

(7) The Legislative Assembly may take any of the following actions as

they determine is appropriate:

(a) Debate the report under a motion of censure

(b) Under a substantive Motion determine that:

(i) all or part of the annual payment made to Members may be withheld for such time as the Assembly may decide;

(ii) access to any other financial benefit (direct or indirect) or government administrative resource to which a Member would other -wise be eligible by virtue of their Member status may be withheld for such time as the Assembly may decide

(c) Recommend that the Member be subject to the procedures detailed in Standing Order 71(1), and Standing Order 71(3).

Disqualification of Members

27[1]. An elected Member is not entitled to sit, or vote in the Assembly if -

(a) he was not, having regard to sections 28 and 29 of the Constitution, qualified, at the time of his election, to be elected as a Member of the Assembly; or

(b) having regard to sections 30 and 31 of the Constitution and subject where it applies to section 32 of the Constitution, he has vacated his seat.

(2) Pursuant to section 30(1)(c) of the Constitution an elected Member vacates his seat if, without the leave of the Speaker or of the Assembly, he is absent from more than two consecutive sittings of the Assembly. For purposes of this paragraph "sitting" does not include any period when the Assembly is in Committee. This paragraph has effect in addition to the other grounds specified under section 30 of the Constitution as to the vacation of seats by Members.

(3) An elected Member is entitled to leave as specified in Schedule 5.

Validity of proceedings (Section 45 of the Constitution)

28. Subject to Standing Order 13 (quorum) no decision of, or vote taken in the Assembly shall be invalid by reason of -

(a) any vacancy in its membership;

(b) the participation therein or in any proceedings by a person who was not entitled to take part therein.

[1] Deleted and replaced Motion 1/2018 – 25.01.2018

PART II
RULES OF DEBATE

Definitions in and applications of this Part

29.(1) For the purposes of all Standing Orders under this Part (Standing Orders 29 to 34) except Standing Order 34(1) "Member" means -

(a) an elected Member;

(b) an ex officio Member;

(c) The Attorney General and the Commander British Forces South Atlantic Islands and;

(d) any other person to whom Standing Order 27(5) relates.

"Speaker" includes a person chairing the Committee of the Whole.

(2) Nothing in this Part applies in respect of a Select Committee. Such a Committee may, subject to any directions by the Assembly, determine its own procedure in respect of any matter to which this Part relates.

Time and manner of speaking

30. (1) A Member desiring to speak shall indicate his wish to the Speaker and, in any case, shall not speak until called upon by the Speaker to do so.

(2) A Member who is in breach of paragraph (1)

(a) shall not be heard; and

(b) commits disorderly conduct.

(3) Except when standing in his place to speak or is speaking or when he is required by any other provision of these Standing Orders to be standing, a Member shall not, while he is within the bar of the Assembly Chamber remain standing.

(4) A Member is within the bar of the Assembly Chamber when he is in any part of the Assembly Chamber not reserved for the accommodation of the press or the public.

(5) A Member shall not, while another Member is speaking, rise from his seat except for the purpose of raising a point of order when he shall say "point of order" and shall not speak further unless called upon by the Speaker to state his point of order.

(6) If the Speaker calls upon a Member to state his point of order -

(a) the Member previously speaking shall immediately resume his seat until he is invited by the Speaker to resume speaking; and

(b) the Member speaking to raise a point of order shall succinctly state what it is, shall not speak further than is necessary to do so, and shall immediately thereafter resume his seat,

and the Speaker shall then rule upon the point of order. No dissent to such ruling shall be permitted.

(7) A Member shall not seek to raise a point of order for the purpose of interrupting unnecessarily another Member. A Member who repeatedly raises invalid points of order commits disorderly conduct. There is no point of order properly to be raised unless a breach of these Standing Orders is established.

(8) A Member shall not when speaking -

(a) use any unparliamentary language;

(b) read a speech -

(i) which in all the circumstances of the case, having regard to the usual practice of the Assembly and the subject matter of the speech, is of inordinate length; or

(ii) of which he is not himself the author (except that this does not apply to a member speaking in relation to a matter of government business for which he is responsible to the Legislative Assembly);

(c) make any observation not relevant to the matter under discussion;

(d) refer to any matter on which a judicial decision is pending in such a way as may prejudice the interests of parties thereto;

(e) impute improper motives or dishonesty on the part of any Member, except so far as may be necessary in the context of a motion of no confidence in the person concerned;

(f) criticise the conduct of Her Majesty or any other member of the Royal Family, or criticise any judge or other person engaged in the administration of justice, except on a

substantive motion;

(g) refer to any ex officio Member, the Commander British Forces, or the Attorney General other than by the designation of his office;

(h) refer to any elected Member other than by speaking of him by his first name and surname preceded by the words "the Honourable"

(9) Whenever a Member speaks he shall address his remarks to the Speaker.

(10) A Member shall not -

(a) rise from his seat when the Speaker is speaking;

(b) except so far as is permitted by paragraph (6), speak when another Member is speaking, or speak at all while the Speaker is speaking;

(c) do anything to disturb or distract a Member who is speaking, or to render it more difficult to hear that Member.

Number of times a member may speak: time limits on speeches

31.(1) Except when Assembly is in Committee of the Whole or other Committee or as otherwise provided by this Standing Order, a Member may speak on any proposition or question before the Assembly at least once and thereafter at the discretion of the Speaker.

(2) The mover of a motion (including a reading of a Bill) may speak again in reply after all other Members present have had an opportunity of speaking thereon, provided he does so before the question is fully put. After such reply no Member shall speak. A question is fully put when the Speaker has collected the voices both of the Ayes and of the Noes.

(3) Unless the Speaker shall direct to the contrary, a Member who has spoken on a question may speak again on that question insofar as is necessary to enable him to address and express his views upon any matter which has arisen in the debate upon the question since he last spoke, but he shall not unduly repeat anything he has already said in the debate or speak at inordinate length.

(4) Notwithstanding that the mover of a motion may already have spoken for the second time, if the Attorney General has already spoken and it is necessary to explain or further explain, or advise upon any legal matter by reason of anything said in any subsequent speech, or to correct any error of law, the Attorney General may speak again, but not further

than is necessary for such purpose.

(5) A Member who has spoken may speak again when a new question has been proposed, such as a proposed amendment or a motion for the adjournment of the debate.

(6) A Member shall not, subject to paragraph (7), address the Assembly or any Committee of the Whole for more than thirty minutes on any subject.

(7) The mover of an original motion may speak for forty-five minutes in his opening speech.

(8) The seconder of a motion may, if he so wishes, rise to second the motion and reserve his right to speak thereto to a latter time in the debate. Provided that he simply states that he seconds the motion and does not speak to it, making clear his intention to speak later, he shall be permitted so to do.

Relevancy in debate

32.(1) Debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment. This Standing Order does not apply to a debate on an Address by the Governor or motion for the adjournment of the Assembly which is not a motion for adjournment to which Standing Order 34 applies (Motion for Adjournment to debate a matter of urgent public importance).

(2) No motion or amendment may be moved in anticipation of the subject matter of a Bill or other business on the Order Paper nor may a Member, when speaking, attempt to revive a matter already decided at the same sitting.

(3) With the leave of the Assembly, a Member may make a personal explanation, although there be no question before the Assembly; but no debatable point may be brought forward or debate arise on the explanation.

Replies to Address by the Governor

33.(1) The only motion which may be moved in relation to an Address by the Governor or any other person such as a member of the Royal Family, is that the same be received with thanks, and be noted.

(2) After an Address has been delivered, and unless the text of the speech has been given in draft to Members sufficiently in advance, or it is otherwise inconvenient so to do, the Assembly shall go into recess for a sufficient time to permit Members to prepare their reply thereto.

(3) In speaking in a Motion to Note an Address by the Governor, Members may deal with any matter of Government policy even though it is not a matter directly arising out of the content of the Address by the

Governor.

(4) No motion under Standing Order 34 may be proposed until after the Motion to Note the Address by the Governor has been put.

Motions for Adjournment to debate on an urgent matter of public importance

34.(1) If a Member wishes a matter of public importance to be debated, he may seek the leave of the Assembly to move the adjournment of the Assembly to enable the matter to be debated.

(2) Leave to move such an adjournment may not be sought -

(a) until any questions for answer on the Order Paper have been disposed of;

(b) during the consideration by the Assembly of any item of business;

(c) after the commencement of the debate on the usual Motion for Adjournment of the Assembly.

(3) A Member who wishes to seek leave under this Standing Order must hand to the Clerk a written statement of the matter he believes to be of urgent public importance, which the Clerk shall deliver to the Speaker.

(4) If the Speaker believes that the matter is both urgent and important he shall at the first convenient opportunity inquire of Members whether they grant leave for the matter to be debated. If the Assembly's leave is granted, the Speaker shall forthwith call upon the Member seeking leave to move that the Assembly do adjourn. The Assembly shall then proceed to debate the matter of urgent public importance. The Member moving the adjournment shall be called upon to speak first, and after all other Members who wish to speak have spoken, shall be called upon to reply if he wishes to do so. The debate is then closed. Standing Order 31 applies to a debate under this Standing Order.

(5) Following closure of the debate the Speaker shall announce the adjournment of the Assembly, without question put, to a definite time on the same day or on some other day. The Assembly shall not, on an adjournment under this Standing Order, be adjourned s*ine die*.

(6) Not more than one adjournment under this Standing Order may be moved at any sitting of the Assembly.

(7) Not more than one matter may be discussed on any one motion

under this Standing Order, and no Member may on the motion raise any question, nor may the motion itself raise any question, which can only properly be debated on a substantive motion after notice.

PART III
QUESTIONS

Form of questions

35.(1) There shall be three kinds of questions -

(a) Questions for written answer;

(b) Oral questions on notice; and

(c) Oral questions without notice.

Questions may only be put by elected Members.

Supplementary questions may be asked by elected Members subject to this Standing Order.

(2) A question may be asked of the Chief Executive, the Financial Secretary or the Attorney General. Any of those persons may request any other of them to answer that question as if asked of that other in the first instance and, if that other be willing, he may answer the question in place of the person to whom it was put: otherwise, subject to paragraph (3) the person to whom it was put shall answer it.

(3) If the Chief Executive, the Financial Secretary or the Attorney General is absent from the Assembly, any other of them may answer a question asked of any of them who is absent.

(4) A question may be put to any elected Member, but the elected Member to whom it is put may decline himself to answer that question, and require that it be asked as a question for answer in writing to the Chief Executive, Financial Secretary or Attorney General, and the question shall thereafter be treated as a question for answer in writing so put. In any case, a question may only be asked of an elected Member in respect of a public matter with which he is officially connected, such as a Bill, a motion standing in his name, or a Department of, or policy area of the Government for which he is the Portfolio holder. If the Portfolio holder is not present in the Legislative Assembly when the question is asked, a question in relation to the Portfolio holder's areas of responsibility may be answered by any Member who is present.

(5) A Member asking a question, other than a question without notice shall -

(a) reduce the question to writing;

(b) indicate thereon whether he wishes the question to be answered in writing or orally and to whom the question is put;

(c) deliver the question to the Clerk.

Questions to be answered in writing

36.(1) An elected Member may put any questions for written reply without limit as to number.

(2) The Clerk may, if he considers that the question does not comply with Standing Order 38, in consultation with the elected Member concerned, amend the question for written reply so that it does so comply.

(3) Subject to paragraph (2), the Clerk shall immediately forward a copy of the question for written reply to the person to whom it is put. Where paragraph (2) applies, he shall do so as soon as possible.

(4) A written question shall be answered within fourteen days after the Member to whom it is put receives it from the Clerk. The reply shall be delivered to the Clerk who shall then transmit a copy of the answer to the Member asking the question.

(5) A written question and the answer thereto shall be recorded in the minutes of the first day of the next sitting of the Assembly, after the answer thereto has been given.

(6) No oral supplementary question may be asked in relation to the answer to a written question.

(7) A written question and the answer thereto may be published so soon as the answer has been transmitted to the Member asking the question.

Questions for oral answer

37.(1) An elected Member may ask not more than three questions for oral answer (with notice) at any sitting of the Assembly.

(2) A question for oral answer (with notice) may be delivered by the elected Member desiring to ask it, at any time prior to the fourteenth day preceding the first day of the sitting at which he intends to ask it.

(3) The Clerk may, if he considers that the question does not comply with Standing Order 38, in consultation with the elected Member concerned amend the question so that it does so comply.

(4) Subject to paragraph (3), the Clerk shall immediately forward a copy of a question for oral answer (with notice) to the person of whom it is asked. Where paragraph (3) applies, he shall do so as soon as possible. At the same time as the Clerk forwards a copy of the question, the Clerk shall also send a copy of it to the local media.

(5) Subject to paragraph (9), the Clerk shall place the question for oral answer (with notice) upon the Order Paper for the first day of the next sitting of the Assembly after it is received by him, unless it is received later than the time provided by paragraph (2) when he shall place it on the Order Paper for the first day of the next following sitting subject, however, to the right of the elected Member asking the question to withdraw the question or to convert it into a question for written reply.

(6) When questions for oral answer (with notice) are reached on the Order Paper on the first day of any sitting, the Speaker shall call upon the elected Member in whose name any such question stands, to read out his question. The Speaker shall call for such questions to be read out in the order in which they stand on the Order Paper. An elected Member so called upon shall, subject to paragraph (7), rise in his place and read out the question.

(7) If an elected Member in whose name any question stands is not present in the Chamber when he is called upon, the Speaker shall, if the elected Member remains an elected Member of the Assembly, call upon the Clerk to read out the question on that Member's behalf. If the elected Member in whose name the question stands has ceased to be an elected Member of the Legislative Assembly, the Speaker shall announce that the question has lapsed and order it to be struck from the Order Paper. The question shall not then be answered at that sitting.

(8) Subject to Standing Order 35(2), (3) and (4) above, and paragraph (10) of this Standing Order, the person of whom the question was asked shall rise in his place and orally answer a question read out under paragraph (6) or (7) of this Standing Order.

(9) Where a dissolution of the Assembly intervenes between the time of delivery of a question for oral answer (with notice) and the next sitting of the Assembly all questions for oral answer not yet answered in the Assembly lapse, and shall not appear on the Order Paper unless renewed, following such dissolution.

(10) The Speaker in his discretion may disallow a question which has been read out on the ground that it does not comply with Standing Order 38, and if he does so the question shall not be answered.

Rules as to Questions

38.(1) This Standing Order applies in relation to all questions for answer.

(2) Questions for answer -

(a) must not include the names of persons or statements of fact unless they be necessary to make the question intelligible, and

can be authenticated;

(b) must not contain any allegation which the elected Member who asks the question is unable to substantiate;

(c) must not contain arguments, expressions of opinion, inferences, imputations, epithets, or controversial, ironical or offensive expressions, or hypothetical cases;

(d) must not raise an issue already decided by the Assembly or substantially answered in the current session without the approval of the Speaker;

(e) must not be asked regarding proceedings in a Committee of the Assembly which have not been placed before the Assembly by a report from that Committee;

(f) must not solicit an expression of opinion on any question of law, the solution of an abstract legal case or legal advice on a hypothetical proposition;

(g) must not make, or imply allegations of a personal nature or reflect upon the character or conduct of any person except in such a person's official or public capacity;

(h) must not refer to any matter in which a judicial decision is pending, or which is the subject of any Commission of Inquiry in such a way as may prejudice the proceedings before any court, or before any such Commission, or prejudice the interests of any party or witness in any such proceedings;

(i) must not reflect on the character of any person whose character or conduct can only be challenged in a substantive motion;

(j) must not be of excessive length.

(3) A question fully answered during a session of the Legislative Assembly cannot be asked again during that session without the prior approval of the Speaker.

(4) The Speaker may at the request of any elected Member allow a debate on any matter arising out of any question for oral answer or the answer to any such question.

Supplementary questions

39.(1) Where a question has been answered orally, an elected Member may ask, without notice, a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given. A supplementary question must not, however, be used to introduce

matter not included in the original question.

(2) The Speaker, in his discretion, may disallow a supplementary question appearing to contravene paragraph (1).

(3) Where the person of whom a question for oral answer has been asked is unable to answer a question asked as a supplementary question thereto, he may instead of doing so undertake to answer it in writing.

(4) Where a person gives an undertaking to answer a supplementary question in writing, he shall deliver that answer to the Clerk within fourteen days and the Clerk shall circulate that answer to Members with the minutes of the meeting.

Questions without notice

40.(1) A question without notice may only be asked with the leave of the Speaker.

(2) Only an elected Member may ask a question without notice.

(3) An elected Member seeking leave to ask a question without notice shall inform the Speaker orally or in writing of the question he seeks to ask and to whom he intends to ask it.

(4) The Speaker shall refuse leave to ask a question without notice if by reason of the nature of the question it cannot reasonably be answered without notice.

In any case, where the Speaker refuses leave to ask a question without notice he shall invite the elected Member concerned to ask the question as a written question under Standing Order 36.

(5) Where a person is, with the leave of the Speaker, asked a question without notice he shall, so far as he can, answer the question or invite another person to answer the question under Standing Order 35(2). In so far as he, or that other person, cannot answer the question, he may, instead of doing so, undertake to answer it in writing, and Standing Order 39(4) shall apply as if the question had been a supplementary question.

(6) With the leave of the Speaker, supplementary questions may be asked in relation to questions asked without notice, and Standing Order 39 shall apply to such supplementary questions.

(7) Standing Order 38(4) shall also apply in relation to questions without notice and the answer thereto.

PART IV
PAPERS, PETITIONS, MOTIONS, COMMITTEES AND VOTING

Papers to be laid on the Table

41.(1) All papers shall be presented by the Honourable Chief Executive. A short explanatory statement of their contents may be made by the Member who has Portfolio responsibility for the matters covered.

(2) A record of the presentation of any paper shall be entered in the minutes.

(3) If any elected Member desires that any paper shall be debated he may, immediately after it has been so laid, and without notice, move that the contents of the paper be noted, and if that motion be seconded it shall be debated. No other motion in relation to a paper may be moved without notice, nor may a motion that the contents of a paper be noted, be amended in any way.

(4) Any subsidiary legislation made under any Ordinance not requiring the approval of the Legislative Assembly before coming into force, shall be laid on the Table as soon as practicable after being made.

(5) Where any subsidiary legislation laid on the Table at that or at a previous sitting requires -

(a) the approval of the Assembly before it is made; or

(b) the approval of the Assembly before it comes into operation,

any Member may, without notice, move that it be approved and if that motion be seconded, and if any Member other than the proposer and seconder wishes to speak thereto, the subsidiary legislation shall be committed to a Committee of the Whole.

(6) A motion seeking to amend a motion under paragraph (5) may be moved by an elected Member, but only so as to except from approval such of the provisions of the subsidiary legislation as are specified in the amendment, or to amend, in such manner as is specified in the motion, the provisions of the subsidiary legislation mentioned in the motion. The Speaker may require any motion under this paragraph to be reduced into writing. Such a motion may be moved without notice and must be seconded by an elected Member.

(7) If a motion under paragraph (6) is moved and seconded, it shall not be debated in the Assembly. Instead, the Speaker shall commit the subsidiary legislation to the Committee of the Whole, together with the motion under paragraph (5).

(8) If any subsidiary legislation is committed to a Committee of the Whole under paragraph (5) or (6) above, the Committee shall, after concluding its deliberations; report thereon to the Assembly and the

Speaker shall immediately thereafter put the question that the report of the Committee be adopted. The Assembly shall proceed, without debate, to vote on that question. In such a case, the motion under paragraph (5) and any motion under paragraph (6) shall not be put to the vote and shall lapse. Such motions shall be recorded in the minutes as having been dealt with in the Committee. The decision of the Assembly shall be recorded as being that comprised in the report of the Committee.

(9) Where any subsidiary legislation is committed under this Standing Order to a Committee of the Whole, that Committee may, in the same way as the Assembly, on a proposal duly moved and seconded, commit the whole or any part of the subsidiary legislation to a Select Committee, and the Standing Orders of the Assembly relating to Select Committees shall apply, save that the Report of the Select Committee shall be made and received by the Committee of the Whole, which may reconvene for such purpose and thereafter make its own report to the Assembly and paragraph (7) above shall thereafter apply.

(10) Any motion in relation to a paper laid on the Table not being -

(a) a motion provided for in the proceeding provisions of this Standing Order; or

(b) a motion that the paper be printed (which may be moved without notice),

is a motion which may only be moved on notice.

Petitions

42.(1) Every petition must be presented by an elected Member. No petition shall be received -

(a) unless an appropriate item against the Member's name appears on the Order Paper; and

(b) the petition complies with paragraph (2).

(2) Every petition -

(a) shall be addressed to the Assembly;

(b) shall be properly and respectfully worded;

(c) shall conclude with a prayer setting forth the general object of the petition;

(d) shall, if it seeks a grant of public money or the release of a debt, have annexed thereto the recommendation of the Governor (in Council) that the same be accorded;

(e) shall bear at least one signature on the sheet which the prayer of the petition appears, and bear at least the prayer at the head of every other sheet on which a signature appears.

(3) An elected Member seeking to present a petition shall produce the same for inspection to the Clerk. If the Clerk believes that the petition does not satisfy the requirements of paragraph (2) he shall refuse to enter the same on the Order Paper.

(4) Where a petition appears on the Order Paper, on the appropriate item being reached the Speaker shall, subject to Standing Order 44 call upon the elected Member presenting it to lay it on the Table. In so doing the elected Member may make a statement of -

(a) the persons from whom it comes;

(b) the number of signatures attached to it;

(c) the material allegations and requests contained in it.

After making such a statement the elected Member presenting the petition may, without notice, move (and no other person may at any time move) -

(a) that it be read;

(b) that it be printed;

(c) that it be referred to a Select Committee;

Otherwise the petition shall lie upon the Table without question put.

(5) Where a motion to which paragraph (4) relates is moved it shall be seconded, and subject thereto, and without debate, the question as to whether the petition shall be dealt with as proposed in the motion shall be put.

(6) If a motion that a petition be read is carried, the Clerk shall read out the title, if any, of the petition and the prayer of the petition. He shall not read out the names of the persons appearing to have signed the petition.

Notice of Motions

43.(1) Notice of a motion is required except as provided by this paragraph. No notice is required to be given of any motion -

(a) to which Standing Order 33, 34, 41(5) or (6) or 42(4) relates;

(b) that a paper laid on the Table be noted, provided that it be moved immediately the paper has been so laid;

(c) for the amendment of the minutes;

(d) for the reference of any matter to an existing Committee, Standing Committee or Select Committee;

(e) for the adoption, modification or rejection of the report of a Committee, Standing Committee or Select Committee;

(f) that the report of a Select Committee be referred to the Committee of the Whole;

(g) that any Standing Order be suspended;

(h) in accordance with Standing Order 16(3) for the withdrawal of members of the public;

(i) made when the Assembly is in Committee;

(j) a motion for the amendment of a motion;

(k) a motion for the suspension of a Member;

(l) a motion for the reading of a Bill;

(m) a motion for the withdrawal of a Bill;

(n) in respect of which a Certificate of Urgency signed by the Governor has been laid on the Table;

(o) a motion for the adoption of the report of a Committee.

(2) Notice of intention to move a motion may be given -

(a) during a meeting; or

(b) by giving notice to the Clerk.

(3) Notice of a motion may be given during a meeting by the Member concerned -

(a) specifying the motion;

(b) specifying the meeting, not being less than three days after the day on which the Member gives such notice, at which he intends to move it.

After giving such notice, the Member shall forthwith reduce the motion to

writing and hand it to the Clerk. No debate shall take place on the giving of notice, nor shall any question be put in relation thereto.

(4) Notice of a motion may also be given by giving to the Clerk notice in writing, signed by a Member, of the motion, and of its terms, specifying the meeting (not being less than three days after the notice) at which the Member proposes to move it. On receipt of such notice the Clerk shall -

(a) notify the Speaker;

(b) place the intended motion on the Order Paper.]

(5) After a motion has been passed, the Chief Executive may be invited by the Member proposing the motion to comment upon the matters covered with regard to future actions to be taken.

Certain Bills, motions, and petitions not to be proceeded with

44. Except on the recommendation of the Governor, the Assembly shall not -

(a) proceed upon any Bill which, in the opinion of the Speaker -

(i) makes provision for imposing or altering any tax, for imposing or altering any charge on the revenues or other funds of the Falkland Islands, or for compounding or remitting any debt due to the Government of the Falkland Islands; or

(ii) would constitute any public office, effect any alteration in the salary, allowances or other conditions of service (including leave, passages and promotion) of any public officer or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his or her widow, or widower children, dependants, or personal representatives;

(b) proceed upon any motion (including an amendment to a motion) the effect of which, in the opinion of the Speaker, is that provision would be made for any of the purposes aforesaid; or

(c) receive any petition which, in the opinion of the Speaker, requests that provision be made for any of the purposes aforesaid.

Recommendation

45. The recommendation of the Governor may be inferred from the fact

of the Governor

that a Bill has been discussed and approved in its detail by an Executive Council meeting chaired by the Governor.

Bills to be published

46.(1) Every Bill shall, subject to paragraph (2), be published in the *Gazette* at least ten clear days before it is first considered by the Assembly.

(2) Paragraph (1) does not apply to -

(a) an Appropriation Bill or Supplementary Appropriation Bill;

(b) a Bill to which Standing Order 44(a)(i) or (ii) applies, provided that the recommendation of the Governor has been or is given in relation thereto pursuant to Standing Order 45; or

(c) a Bill, being a Government measure, which the Governor certifies to be a Bill which, in his opinion, needs to be urgently considered by the Assembly, notwithstanding that it has not been published in accordance with paragraph (1) above.

Rules as to Bills (cf. Annex A to the Constitution)

47.(1) Matters not having proper relationship to each other shall not be provided for by the same Bill, nor shall any Bill contain anything foreign to what its title imports. No provision having indefinite duration shall be included in any Bill which, if enacted, would be a law expressed to have limited duration.

(2) All Bills shall be distinguished by titles and each Bill shall have a long title (which shall be the title of the Bill for the purposes of paragraph (1)) and a short title (that by which, if it is enacted, the law may be cited) which shall be provided for by a Clause of the Bill.

(3) Every Bill shall be divided into successive Clauses consecutively numbered, and to every Clause there shall be, annexed in the margin, a short indication of its contents.

(4) Every Bill shall be numbered consecutively in a separate series for each year commencing with the number "1". Such numbering shall be in accordance with the first appearance of a Bill on the Order Paper in the year in which it first so appears.

(5) Any Bill (not being a Government measure) intended to affect or benefit some particular person, association or corporate body, shall contain a Clause saving the rights of Her Majesty, Her Heirs and Successors, all bodies politic and corporate, and all others except such as are mentioned in the Bill and those claiming by, from or under them.

(6) No Bill to which paragraph (5) relates shall be introduced until due notice has been given by not less than three successive publications of the

Bill in the *Gazette*.

(7) All Bills presented in the House shall be deemed "Government Bills" unless otherwise stated on the Order Paper. Government Bills may be presented in the House by an Elected Member whose portfolio responsibilities include the Government department responsible for the underlying policy relating to the Government Bill

(8) Every Bill shall bear at the foot thereof, a concise statement of its objects and reasons.

Leave to introduce Bills

48.(1) An elected Member desiring to introduce a non-Government Bill shall apply to the Assembly by motion for leave to do so, and the motion shall contain the title of the proposed Bill.

(2) On such leave being granted, the elected Member shall deliver a copy of the Bill to the Clerk, who shall arrange for its publication in the *Gazette* pursuant to Standing Order 46(1) or Standing Order 47(6) (as the case may be). After such publication has occurred, the Clerk shall place the short title of the Bill upon the Order Paper for a convenient meeting.

(3) Leave to introduce a Government Bill is not required.

First reading of the Bill

49. (1) where a Bill has been published in the *Gazette* in accordance with Standing Order 46 or Standing Order 47(6) (as the case may be), it shall be deemed to have been read a first time. Accordingly, the first reading of a Bill in the Assembly is only required to be moved if the Bill is the subject of a Certificate of Urgency under Standing Order 46(2) (c), or is a Bill to which Standing Order 46(2) (a) or (b) applies which has not been published in accordance with Standing Order 46(1).

(2) Where, by virtue of paragraph (1) of this Standing Order, it is necessary to move the first reading of a Bill, the Member in charge of the Bill shall move that it be read a first time. On the motion being seconded, it shall, without debate, be put to the vote.

Method of reading a Bill

50. A Bill shall be read by reading the short title of the Bill only. The short title shall be read out aloud by the Clerk.

Second reading of that Bill

51. (1) On a motion being made and seconded a Bill be read a second time, the Member proposing the motion or the Attorney General, if both he and that Member consent, shall give an exposition of its contents. Where the Attorney General gives that exposition, he shall be called upon to speak to the motion immediately after the proposer has spoken thereto.

(2) It is not a sufficient exposition of a Bill merely to read out the Objects and Reasons appearing at the foot of the Bill. Such exposition must explain the salient features of the Bill, and identify the principal

changes in the law which would be made if the Bill is enacted: it is not, however, otherwise necessary in such exposition to explain every Clause of the Bill at length.

The Short Procedure

52. (1) Immediately after an exposition has been given on the contents of the Bill the Speaker may, if he thinks fit, enquire as to whether any Member other than the proposer and seconder wish to speak in relation to the Bill. If no such Member indicates a desire to speak, the Speaker may ask if there is any objection to the Bill being dealt with in accordance with the short procedure. Otherwise the Bill shall be dealt with thereafter in accordance with Standing Orders 53 to 57, the long procedure.

(2) Where a Bill is to be dealt with by the short procedure, the Speaker shall enquire whether any amendments to the Bill are desired. If there are any, the Assembly shall straightaway be informed of them and asked whether they will be agreed to. If any Member so requires they shall individually be put to the vote and accepted or rejected accordingly. Immediately after any desired amendments have been dealt with, or if none are desired, the Speaker shall declare that the Bill be read a third time and do pass.

The Long Procedure

53. (1) Following the exposition of the Bill there shall be a debate upon the general merits and principles of the Bill. No amendment to the Bill may be moved during such debate but a Member, including the Member in charge of the Bill may move that -

(a) the Bill be referred to a Select Committee for consideration;

(b) that the motion "that the Bill now be read a second time" be amended by omitting the word "now" and adding at the end of the motion the words "upon this day three months" or some other date; or

(c) that the said motion be amended by omitting all words after the word "that", in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and must not deal with its details.

(2) A motion that a Bill be referred to a Select Committee may only be made immediately after the motion that the Bill is read a second time has been voted upon and assented to by the Assembly.

(3) If a motion that the Bill be referred to a Select Committee is assented to by the Assembly, the Bill shall not be proceeded with further until the Select Committee has presented its report to the Assembly.

(4) If a Bill is read a second time and no motion is proposed that the Bill

be referred to a Select Committee, the Bill shall, without question put, stand referred to the Committee of the Whole and the proceedings of that Committee thereon shall be taken forthwith, unless the Member in charge of the Bill seeks leave of the Assembly to defer the Committee stage to some other time or day, which he shall specify on seeking such leave, and such leave is granted. Otherwise the Assembly stands resolved into Committee for the purpose of considering the Bill in detail.

Procedure where the Bill be referred to a Select Committee

54.(1) Where a motion that a Bill be referred to a Select Committee of the Assembly -

(a) the Attorney General shall, unless some other person being a Member of the Assembly is on a motion appointed Chairman of the Committee, be Chairman of the Select Committee and, in any event, shall be a member of the Committee;

(b) the Member in charge of the Bill shall be a member of the Committee if the Bill is not a Government Bill; and

(c) such other Members of the Assembly as shall, on the suggestion of Members of the Assembly, be appointed by the Speaker to be members of the Committee, provided that no fewer than three elected Members of the Assembly shall be so appointed.

(2) The procedure of the Select Committee shall, subject to these Standing Orders, be such as the Committee may determine. Members of the public may attend meetings of the Committee if the Committee sees fit.

(3) When the Select Committee has concluded its deliberations on the Bill, it shall prepare its Report to the Assembly thereon.

(4) When the Report of the Select Committee is ready, the Chairman of the Committee shall notify the Clerk thereof. Thereupon the Clerk shall enter the matter of delivery of the Report upon the Order Paper for the next meeting of the Assembly, immediately before any other item of business relating to Bills, and where there is more than one such Report, in chronological order of the notifications under this paragraph.

(5) The Chairman of the Select Committee, or some other member of the Committee in his place, shall present the Report of the Committee. The motion "that the Report of the Select Committee be received" shall be deemed to have been moved and seconded, and unless any amendment thereto be moved, the question shall forthwith be put without debate. If the question be resolved in the affirmative, the Assembly shall forthwith

resolve itself into Committee of the Whole, and shall there consider the Report of the Select Committee and the Bill in detail. If the question be resolved in the negative the item "Committee stage (name of Bill)" shall be placed on the Order Paper for the next day on which the Assembly sits, and immediately preceding all other items relating to Bills and, on that day, on that item being reached, the Assembly shall forthwith resolve itself into Committee of the Whole for the purpose of considering the detail of the Bill.

Proceedings in Committee of the Whole upon a Bill

55.(1) Upon the Assembly standing resolved into Committee of the Whole to consider the detail of a Bill, the Speaker or other person presiding in the Assembly shall be Chairman of the Committee.

(2) The principle of the Bill shall not be considered or debated in the Committee of the Whole.

(3) The proceedings of the Committee of the Whole shall commence with the Chairman or the Clerk reading the enacting words.

(4) The Chairman or the Clerk shall then read the number or marginal note of each Clause of the Bill in succession, or if the same be more convenient in relation to a Bill divided into Parts, the heading of that Part and the Clauses it comprises.

(5) The marginal notes shall not be taken to be part of the Bill and shall not be considered by the Committee, except that any manifest error therein may be corrected on the proposal of any Member. Similarly, if any amendment to a Clause be agreed to by the Committee of the Whole, the marginal note to that Clause may be corrected on the proposal of any Member but only so far as is necessary to reflect the amendment to the Clause. The marginal notes to Clauses of a Bill shall nonetheless not form part of the Bill by reason of having been corrected in the Committee of the Whole, and shall not in any way be taken to reflect any intention of the Assembly when considering the legislation.

(6) All amendments proposed to any provision of a Bill shall, if the Chairman so requires, be reduced to writing, and the Chairman may, if necessary, recess the Committee for that purpose.

(7) No amendment may be moved which is inconsistent with any Clause already agreed upon, or any decision already came to by the Committee and the Chairman may at any time during the discussion of a proposed amendment, withdraw it from consideration of an amendment if, in his opinion, the discussion has shown that the proposed amendment would contravene the provisions of this paragraph.

(8) Consideration of a Clause or Schedule by the Committee of the Whole may be postponed, unless upon an amendment thereto a question

shall have been fully put from the Chair.

(9) Postponed Clauses or Schedules shall be considered after the remaining Clauses or Schedules of the Bill have been considered, and before new Clauses or Schedules are brought up.

(10) If a Clause is not agreed to, a new Clause instead thereof may be substituted and dealt with at the time of consideration of the original clause, or may be brought up after the remaining Clauses of the Bill have been disposed of.

(11) If consideration of new Clauses is deferred, they may be offered before the Schedules to the Bill are considered. New clauses shall be deemed to have been read the first time without question put. The question which follows thereupon shall be "That the Clause (or the Clause as amended) be added to the Bill."

(12) New Schedules may be offered after the Schedules to the Bill have been disposed of, and shall be treated in the same manner as new Clauses.

(13) When every Clause and Schedule and proposed new Clause and Schedule have been dealt with, the preamble, if there be one, shall be considered and the question put "That this be the preamble of the Bill".

(14) If any amendment be necessary to the long title of the Bill, it shall be made at the conclusion of the proceedings detailed above.

(15) The foregoing provisions of this Standing Order shall apply, with all necessary modifications, to consideration of the detail of a Bill by a Select Committee.

(16) Before the proceedings have terminated, any Member may move to report progress, or in a Select Committee to adjourn; and if such motion be carried, the Select Committee shall adjourn to a day to be fixed by the Chairman after consultation with its members, and in Committee of the Whole, the Committee shall adjourn and the Assembly shall resume, and a day for the resumption of the proceedings of the Committee of the Whole upon the Bill shall be named by the Speaker.

(17) A Select Committee when reporting a Bill may make a special report to the Assembly explaining its proceedings on the Bill.

(18) If the Chairman of the Committee of the Whole or of a Select Committee be not an elected Member, he shall not vote on any question. If there be an equality of votes upon any question in the Committee of the Whole or a Select Committee on a Bill or any provision thereof, that question is resolved in the negative.

Report Stage on a Bill

56. When a Bill has been settled in a Committee of the Whole, the Assembly shall resume without question put, and thereupon the Member in charge of the Bill shall report that the Bill has passed through the Committee with or without amendment, as the case may be.

Third reading of a Bill

57.(1) When the Bill has been reported from the Committee of the Whole, it may on motion be read a third time forthwith, or if the Assembly so directs, the third reading may be postponed. When the motion for the third reading of a Bill is put, the question shall be "That the Bill be now read a third time and do pass".

(2) On the motion for the third reading of the Bill being proposed any Member may propose -

(a) that the motion be amended by omitting the word "now", and adding at the end of the motion the words "upon this day three months" or some other date;

(b) that the said motion be amended by omitting all words after the word "that", in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and must not deal with its details.

(3) A motion that the Bill be referred to a Select Committee cannot be moved when the motion "that the Bill be now read a third time and passed" has been moved.

(4) Amendments for the corrections of error or oversight may, with the Speaker's permission, be made before the question for the third reading of the Bill is put, but no amendments of a material character shall be proposed, and on this point the Speaker's decision shall be final.

Withdrawal of Bills

58. The Member in charge of a Bill may, at any time before the question for its third reading has been fully put, seek leave of the Assembly for withdrawal of the Bill and, if such leave is granted, the Bill shall be withdrawn and no further action shall be taken thereon.

Lapsing of Bills and Motions

59.(1) Whenever a Bill has not been read a third time and passed before a dissolution of the Assembly intervenes, that Bill lapses but may be revived in the next succeeding Assembly when it shall be proceeded with as if it were an entirely new Bill.

(2) A Bill does not lapse when the membership of the Assembly changes other than by reason of the dissolution of the Assembly, even if the Member in charge of the Bill ceases to be a Member of the Assembly

provided that another person who is a Member of the Assembly assumes charge of the Bill and notifies the Assembly accordingly.

(3) A motion, other than for a reading of a Bill, lapses if it is proposed by an elected Member who ceases to be a Member of the Assembly before the question thereon is fully put. Such a motion also lapses if the question thereon has not been fully put before a dissolution of the Assembly intervenes. Where such a motion is proposed other than by an elected Member, and the person concerned is succeeded by another person holding the same office before the question on the motion is fully put, that motion shall be deemed to stand in the name of such successor.

Withdrawal of Motions

60. The Member in whose name a motion stands may withdraw it with the leave of the Assembly at any time before the question thereon is fully put.

Seconding of Motions and amendments

61. A Motion or amendment shall not be debated or proposed from the Chair in Assembly unless it has received a seconder. In Committee, a seconder shall not be required for a new Clause or amendment. A Motion requiring seconding and not seconded shall be deemed to have been resolved in the negative, and a note to that effect shall be entered in the minutes.

Bills of the same subject matter

62. More than one Bill of the same subject matter may be introduced, but when the second reading of a Bill has been agreed to or negatived, the question shall not be proposed for the second reading of another Bill of the same subject matter during the same session, unless the other Bill be a Government Bill or the leave of the Speaker be given. Otherwise the Speaker shall direct that that other Bill shall not be proceeded with and that Bill shall then lapse.

Amendments to Bills and Motions

63.(1) When any Bill, or Clause of a Bill, under consideration in Committee, or a Bill or Motion is under consideration in the Assembly or a Committee, an amendment may be proposed if it be relevant to the Bill, Clause or Motion to which it is proposed.

(2) An amendment may be proposed to any amendment previously proposed -

(a) if it be relevant to the original amendment; and

(b) it would not have the effect of negativing the original amendment.

(3) When an amendment has been proposed to a Bill, Clause, or Motion, the question shall be put on the Bill, Clause, or Motion as proposed to be amended before it be put on the original question. If the amendment be agreed to, the original question shall thereafter be put as so amended.

Where an amendment is itself the subject of a proposed amendment, the question on the amendment of the original question is put. If the amendment of the amendment be agreed to, the question on the original amendment shall be put as so amended.

Further Provisions as to Select Committees

64.(1) Unless the Speaker otherwise directs, three members of a Select Committee constitute a quorum, so long as at least two of the members present are elected Members.

(2) In the absence of the Chairman, a Select Committee may appoint one of their members to be the Chairman.

(3) The deliberations of a Select Committee shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof made by the Assembly, and in the case of a Select Committee on a Bill, to the Bill committed to it and relevant amendments.

(4) A Select Committee may continue its deliberations although the Assembly is in recess or is prorogued, but is dissolved upon dissolution of the Assembly.

(5) In the case of the death or unavoidable absence of a member of a Select Committee or if a member of a Select Committee ceases to be a Member of the Assembly, the Speaker may appoint another Member in his place. Every appointment under this paragraph shall be announced to the Assembly when it next sits.

(6) A Select Committee may invite any person to give evidence to it or express a view on any matter. However, except as may be provided by law, no person shall be compelled to attend before a Select Committee, or to answer any question put to him by or on behalf of the Committee. Any person attending to give evidence or express a view to a Select Committee has the right to require his evidence or views so given to be reduced in writing, and to suggest corrections thereto, and that such writing, as so corrected, shall be signed by him.

(7) A member dissenting from the opinion of a majority of a Select Committee, may put in a written statement of his reasons for such dissent, and such statement shall be appended to the report of the Committee.

(8) The report of a Select Committee shall be presented by the Chairman and unless the Assembly otherwise directs, shall be laid on the Table.

(9) A Select Committee to which a Bill has been referred, shall present a report to the Assembly explaining its recommendations, and if the recommendations involve any considerable amendments, a reprint of the Bill, or such part of it as the Committee considers necessary, shall be

attached to the report, and a copy of the report, and of the Bill or of such part so amended, shall be distributed to every Member of the Assembly.

Select Committee on the Estimates

65.(1) When the annual Appropriation Bill has been read a second time, the Financial Secretary shall move that the Bill, and the draft Annual Estimates of Revenue and Expenditure shall be referred to a Select Committee and such Committee shall consist of the Chief Executive, the Financial Secretary and all the elected Members of the Assembly.

(2) The Select Committee on the Estimates shall not meet in public.

Standing Finance Committee

66.(1) There shall be a Standing Finance Committee consisting of all elected Members of the Assembly and the Financial Secretary shall be permitted to attend all meetings of the Committee.

(2) The Committee shall elect one of their number to be the Chairman of the Committee and similarly shall elect one of their number to take the chair at any time the Chairman is not present.

(3) Five Members shall constitute a quorum.

(4) If there be an equality of votes on any matter, the proposition is not carried.

(5) The functions of the Committee are to consider -

(a) any request for the provision of funds to those already appropriated by Ordinance;

(b) any reports from the Financial Secretary as to expenditure or revenue, or the state of the Consolidated or any other statutory fund; and

(c) any other financial matters referred to it by the Governor on which the Executive Council or the Governor requires the Committee's advice.

Save as to (a) above, the functions of the Committee are advisory and not determinative.

(6) A person appointed by the Financial Secretary shall be the Clerk of the Committee. Minutes of the meetings of the Committee shall be kept and copies of them shall be supplied to all Members of the Assembly.

(7) The Committee shall meet when called by the Chairman, but normally shall meet monthly.

Other Standing Committees

67. Other Standing Committees may be established by resolution of the Assembly. Any such Standing Committee shall have such functions, membership and quorum as may be determined by such resolution.

Publication of evidence and proceedings in Committee

68.(1) The evidence and views taken by any Select Committee shall not save as provided by Standing Order 66(6) or by resolution under Standing Order 67, be published by any member of the Committee or any person until the same has been reported to the Assembly.

(2) The deliberations of any Select Committee shall not be published without the leave of the Speaker, until and unless they have been reported to the Assembly.

Voting

69.(1) For the purposes of these Standing Orders a question is fully put when the result of the vote, in accordance with this Standing Order, has been declared by the Speaker or Chairman.

(2) At the conclusion of a debate the question shall be put by the Speaker or Chairman when, unless any Member calls for a division, the votes shall be taken by voice "Aye" and "No". The result shall be declared by the Speaker or Chairman, and the result shall be as so declared, unless any elected Member shall call forthwith for a division.

(3) An elected Member may call for a division

(a) immediately after the question is put by the Speaker; or

(b) immediately after the result of a voice vote has been declared by the Speaker or Chairman.

Where a division has been claimed in accordance with this paragraph, the question is not fully put until a division has been taken in accordance with the subsequent provisions of this Standing Order.

(4) The Clerk, where a division is taken shall ask each Member, other than the Speaker or Chairman, if he be an elected Member, in anti-clockwise order (that is to say, commencing with the elected Member seated nearest to his right hand and finishing with the elected Member seated nearest his left hand) to state how he votes or that he is not voting. Each elected Member shall state accordingly, and shall not be permitted to add any explanation in relation thereto.

(5) The Clerk shall enter on the minutes, the record of each elected Member's vote and shall add a statement of the elected Members who declined to vote.

(6) If any elected Member be not present in the Assembly when a division is claimed, any elected Member present may request that the

division be declared for five minutes, or such shorter time within which all elected Members are present in Assembly and the division shall be delayed accordingly. An elected Member who is not present in Assembly when the Clerk takes the vote of the first elected Member to vote or to state that he is not voting, shall not be permitted to vote.

(Cf.s.44(1,2& 3) Constitution)

(7) As soon as the Clerk has collected the votes the Speaker or Chairman shall state the numbers voting for the "Ayes" and "Noes" respectively, and shall then declare the result of the decision. If the result be an equality of votes he shall declare the motion lost, unless he is an elected Member, when he shall cast a vote for the "Ayes" or "Noes" as he thinks fit, and shall not refrain from voting, whereafter he shall declare the result in accordance with the manner in which he himself voted.

(8) If an elected Member claims that he voted in error or that his vote has been counted incorrectly, provided he so requests the Speaker or Chairman as soon as the numbers have been counted and before the result of the division has been declared, he may claim to have his vote altered.

(9) Nothing in this Standing Order applies to the election by elected Members of members of the Executive Council when voting shall be by ballot in such manner as the Speaker may determine and the number of votes for each candidate shall be announced, but not the manner in which any individual elected Member voted.

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(10) An ex officio member of the Assembly is not entitled to vote on any matter before the Assembly (without prejudice however to his right to propose or second any motion or any reading of any Bill).

(11) A person summoned pursuant to section 41(3) of the Constitution may speak but not vote in relation to the matter in respect of which he was summoned. A person acting in the public office of Chief Executive, Financial Secretary or Attorney General, if so summoned, shall be deemed, unless the contrary is stated in the summons, to have been so summoned in relation to all matters coming before the Assembly at the sitting in question and paragraph (10) above shall apply to him as if he were the substantive holder of the office in question

PART V
ADJOURNMENT, ORDER, SUSPENSION OF STANDING ORDERS, PRACTICE OF HOUSE OF COMMONS, AMENDMENT OF THESE STANDING ORDERS

Adjournment

70.(1) This Standing Order does not apply in respect of adjournments on a motion to which Standing Order 34 relates.

[2] Paragraphs 69 (10 and (11) added by Motion 1/2018 – 25.01.2018

(2) A meeting of the Assembly may be adjourned by the Speaker at any time. It shall otherwise be adjourned only on a motion for adjournment by the Chief Executive being assented to, or on a motion by five or more elected Members.

(3) The Speaker may, at any time, recess the Assembly during the course of a meeting of the Assembly on any day. Thereafter the Assembly shall reconvene and proceed with business on the Order Paper from the point at which it left off.

(4) The Speaker may, for a sufficient cause, suspend a meeting.

Breaches of order

71.(1) If a Member shows disregard for the authority of the Chair or abuses the rules of the Assembly by persistently and wilfully obstructing the business of the Assembly or otherwise, the Speaker shall direct the attention of the Assembly to the incident, mentioning by name the Member concerned. A motion may then be made upon which the Speaker shall forthwith put the question, no amendment, or adjournment, or debate being allowed, "That such Member be suspended from the service of the Assembly". If such an offence has been committed in a Committee of the Whole, the Chairman shall forthwith suspend the proceedings of the Committee and resume in Assembly; and the Speaker shall, on a motion being made thereupon, put the same question, without amendment, adjournment, or debate, as if the offence had been committed in the Assembly itself.

(2) Not more than one Member shall be named at the same time, unless several Members present together have jointly disregarded the authority of the Chair.

(3) If a Member be suspended under the provisions of this Order, his suspension shall last until determined by the Assembly.

(4) The Speaker or Chairman, after having called the attention of the Assembly or 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 the Member to discontinue his speech.

(5) The Speaker or Chairman shall order Members whose conduct is grossly disorderly, to withdraw immediately from the Assembly Chamber for the remainder of the meeting.

(6) If a direction to withdraw under paragraph (5) of this Order be not complied with at once, or if on any occasion the Speaker or Chairman deem that his powers under that paragraph are inadequate, he may name such Member or Members in pursuance of paragraph (1) of this Order.

(7) Members who are suspended under paragraph (1) of this Order or are directed to withdraw under paragraph (5), shall withdraw forthwith from the precincts of the Assembly Chamber.

(8) The Speaker or Chairman acting under such paragraph (1) or (5) of this Order, may direct such steps to be taken as are required to enforce his order.

(9) Nothing in this Order shall be deemed to prevent the Assembly from proceeding against any Member, for any breach of order not specified herein, or from proceeding in any other way it thinks fit in dealing with the breaches of order herein mentioned.

(10) In the case of grave disorder arising in the Assembly or Committee, the Speaker or Chairman, as the case may be, may, if he thinks it necessary to do so, adjourn the Assembly or Committee without question put, or suspend any meeting for a time to be named by him.

Suspension of Standing Orders

72. Any of these Standing Rules and Orders may be suspended with the consent of the majority of elected Members present.

Practice of House of Commons

73.(1) In cases of doubt, these Standing Rules and Orders shall be interpreted in the light of the relevant practice of the Commons House of the Parliament of Great Britain and Northern Ireland.

(2) In any matter for which these Standing Rules and Orders do not provide, the said practice shall be followed, but no restriction which the House of Commons has introduced by Standing Order shall be deemed to extend to the Assembly, or its Members until the Assembly has provided by Standing Order for such restriction.

Amendment of Standing Orders (s.46 Constitution)

74. No amendment of or addition to these Standing Orders shall have effect until the Assembly approves them.

Approved by the Legislative Assembly, pursuant to section 46 of the Constitution this

31st day of August 2017

PART VI SCHEDULES

SCHEDULE 1

NOTIFICATION OF REGISTRABLE INTERESTS

Please read the following document, the enclosed copy of Standing Orders of the Legislative Assembly 21 and 22 together with the guidance notes attached carefully before completing the notification.

This notification must be completed and returned to the Clerk of Councils within the period mentioned in the covering letter.

In compliance with Standing Order 21(1) of the Standing Orders of the Legislative Assembly, I provide the following notification of my registrable interests:

1. Remunerated directorships, whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group

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2. Remunerated employment, office or profession

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3. Clients in respect of whom the Member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the Member's conduct in or in relation to the business of the Legislative Assembly might have been or might be influenced by the client's interests

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4. Sponsorships. Any form of sponsorship or financial or material support of a Member which involves any payment, benefit or advantage whether to the Member or any other person with whom the Member is closely connected

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5. Gifts, benefits and hospitality

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6. Overseas visits relating to or arising out of membership of the Legislative Assembly where the cost of any such visit has not been borne wholly by the Member or out of Falkland Islands public funds

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7. Any gifts or material benefits or advantages received by the Member or the Member's spouse or partner from or on behalf of overseas Governments, organisations or persons

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8. Land or property of a substantial value or from which a substantial income is gained

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9. The names of companies or other bodies in which the Member, or his spouse or partner has, to his knowledge, either solely, or with or on behalf of his spouse, partner or children under the age of 18 years, a beneficial interest in shareholdings of a nominal value greater than one per cent of the issued share capital, or if less than one per cent of more than £25,000.

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10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a Member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Legislative Assembly, or actions taken in his or her capacity as a Member of the Legislative Assembly **OR** which the Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit

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Name of Member: .....

Signature of Member: .....

Date: .....

SCHEDULE 2

CODE OF CONDUCT FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

PART 1

Purpose of the Code

1. The purpose of the Code of Conduct is to assist elected Members of the Assembly ("Members") in the discharge of their obligations to the Assembly, their constituents and the public. All Members are required to comply with the provisions of this Code in all aspects of their public life. Whilst it does not seek to regulate what Members do in their purely private and personal lives they must, however, be aware that some private and personal matters impinge on their public roles.

Public Duty

2. Members, before entering office, take an oath or affirm allegiance to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law. Additionally, they also take an oath of office or make an affirmation in which they promise that they will "well and truly" serve Her Majesty and the people of the Falkland Islands, and will uphold the Constitution and other laws of the Falkland Islands.

3. The primary duty of Members is to act in the public interest. In so doing Members have a duty on all occasions to act in accordance with their oaths, and in accordance with the public trust placed in them.

4. Members have a duty to respect and to encourage others to respect the rule of law and the administration of justice. In this context "law" includes such international law and treaty obligations as are for the time being applicable.

5. Whilst Members have a general duty to act in the best interests of the public as a whole they have a special duty to be accessible to the people of their electorate, and to represent their interests conscientiously.

Personal Conduct.

6. Members shall observe the following general principles of conduct for holders of public office:

- **Selflessness**
  Members shall take decisions solely in terms of the public interest. They shall not do so in order to gain financial or other material benefits for themselves, their family or friends, their business associates or any voluntary or charitable organisation with which they are involved.

- **Integrity**
  Members shall not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- **Objectivity**
  In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, Members shall make choices on merit.

- **Accountability**
  Members are accountable for their decisions and actions to the Legislative Assembly and the public, and must submit themselves to whatever scrutiny is appropriate to their office.

- **Openness**
  Members shall be as open as possible about all decisions and actions that they take and must not knowingly deceive or mislead. They shall give reasons for their decisions and restrict information only where the wider public interest, or statutory provision, clearly demand.

- **Honesty**
  Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- **Leadership**
  Members shall promote and support these principles by leadership and example.

The Principles in Practice.

Conflict between public and private interest.

7. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

Members' Conduct

8. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Legislative Assembly and never undertake any action which would bring the Assembly, or its Members generally, into disrepute.

9. Members shall at all times treat other Members, members of the Public Service and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are the normal part of the political process.

Relationship with the Public Service.

10. Members shall uphold the political impartiality of the Public Service and shall not ask public servants to act in a manner which would conflict with the Public Service Code of Conduct. In reaching decisions they shall give fair consideration and due weight to informed and impartial advice from public servants, as well as to other considerations and advice from other persons.

Gifts and Hospitality.

11. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any matter submitted or intended to be submitted to the Legislative Assembly, or any Committee of the Assembly, is contrary to law.

12. The acceptance of hospitality may be acceptable in appropriate circumstances as a means of effecting Assembly business. However, Members shall not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality Members should consider subjectively whether they would be prepared to justify acceptance to the public.

13. Members must comply with the detailed provisions regarding gifts and hospitality set out in Standing Order 22(7).

Register and Declaration of Members' Interests

14. Members must fulfil conscientiously the requirements of the Standing Orders in respect of the registration of interests in the Register of Members' Interests, and must always draw attention to any relevant and material interest in any proceedings of the Legislative Assembly, or its Committees.

15. In any activity with, or on behalf of, any organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with the Speaker, the Attorney General, Members and Officials.

Payments from Third Parties.

16. Members must not accept, from a third party, any payment or gift in respect of their participation in any proceedings of the Legislative Assembly or its Committees.

Confidential Information.

17. Members must bear in mind that confidential information which they receive in the course of their duties may only be used in connection with those duties, and that such information must never be used for the purposes of financial gain or otherwise in their own personal interest or that of their families, friends, business associates or any voluntary or charitable organisation with which they are involved.

18. In addition, Members shall not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties, unless it is both lawful and clearly in the wider public interest so to do. Members must, at all times, have regard to all relevant human rights and other legislation when dealing with confidential information and must be aware of the consequences of breaching confidentiality.

PART 2.

Complaints Procedure

19. Where the Speaker on receipt of a complaint from a member of the public, has reason to believe that a Member has failed to register an interest or has breached a provision of this Code of Conduct, he may, at his discretion, request that an investigation be undertaken by the Principal Complaints Commissioner. Should the Speaker decline to refer the complaint to the Principal Complaints Commissioner, such decision may be appealed to the Governor.

20. The result of that investigation shall be reported to the Speaker with copies of the report sent to the Governor, the complainant, the Member concerned, and to the Clerk of the Legislative Assembly.

21. The Legislative Assembly will be the sole arbiter of what action should be taken, if any, against any Member who has contravened the requirements of Standing Orders in respect of interests declared, or who has breached a condition of this Code of Conduct.

SCHEDULE 3

DUTIES OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

Responsibilities

1. To participate constructively and effectively and openly in the good governance of the Falkland Islands and represent the Falkland Islands Assembly at all times and in any place

2. To be a full time member of the Falkland Islands Legislative Assembly and be available at what ever times required. It is expected that:

    - Members will be available to attend for government business in Stanley from mid-day Monday until 4.30pm Thursday

    - Members will be available for constituency surgeries and other work or research on Monday mornings and Fridays

    - [3]Members will take holidays at times when the Legislative Assembly is in recess as specified in Schedule 5 except that Members are able to take up to 10 working days as holiday at other times of their choice

3. To be aware of, understand and comply with the requirements laid out within the Falkland Islands Constitution, the Legislative Assembly Standing Rules and Orders and in particular the Code of Conduct.

4. To be an effective member of the Assembly by contributing actively to the formation and scrutiny of the Legislative Assembly's policies, budget, strategies and service delivery including the Island Plan and other national strategies.

5. To champion causes which best promote the interests and sustainability of the present and future of the Falkland Islands and campaign for improvement of prosperity and quality of life in the community in terms of equity, economy, and the environment.

6. To represent effectively and impartially the constituency to which he or she is elected as well as the Falkland Community in general.

7. To deal with individual constituency enquiries and representations and act as advocate in resolving particular concerns or grievances, while recognising and understanding the correct channels within FIG to deal with such issues.

8. To participate effectively as the Chair or member of any Committee, Sub-Committee, Working Group or other body to which he or she is appointed and to develop and maintain a working knowledge of the Government's services, powers, duties, policies and practices and promote a good working relationship with Officers of the Administration.

[3] Bullet point deleted and replaced by Motion 1/2018 – 25.01.2018

9. To work closely with the Heads of Department of all their portfolios, to be fully involved in policy and strategy making and understanding the operation of their portfolios in order to act as the lead in any decision making committee or board and leading any discussion on the portfolio issues in Legislative Assembly.

10. As Chair of any Advisory Committee; fully consult the lay members of that Committee on policy issues and ensure that the lay members' views are reflected in any report.

11. To represent the Legislative Assembly effectively on any outside body to which they are appointed, providing two-way communication between the organisations and report on the work of that body as appropriate to Legislative Assembly.

12. To develop and maintain a good working knowledge of all departments and services within the Falkland Island Government.

13. To contribute constructively to open government and generally encourage all sections of the community to participate in the democratic process.

14. To represent the Falkland Islands in what ever fora, conference, interview or political arena that may be required.

SCHEDULE 4

Protocol on Roles of Members of the Legislative Assembly and Officers of the Falkland Islands Government.

1. Introduction

a. The Government of the Falkland Islands is formed by the elected Members of the Legislative Assembly. They are responsible to the electorate to work with all elements of the public service to deliver the obligations and responsibilities in accordance with the Constitution.

b. The Falkland Islands Government (FIG) is required to carry out its functions and provide services in a way which is effective in relation to the people it serves; efficient in terms of resources deployed and responsive to the views and wishes of the people that might be affected by what it does.

c. FIG operates and promotes high ethical values and standards in an environment which demands close and effective working relationships between Members and Officers and where there is a close relationship with the community.

d. The purpose of this Protocol is to offer guidance to Members and Officers on their respective roles and their working relationships with one another and their responsibilities to the community.

2. The Role of Members of the Legislative Assembly

a. Members of the Legislative Assembly have been democratically elected by Falkland Islanders. Members are elected to represent their constituents and the national interest of the Falkland Islands as a whole.

b. Members are elected as individuals and will have their own political objectives. Members are entitled to work toward delivering their political objectives (subject to section 2e(v) below), and their right to do so should be respected by other Members and Officers.

c. Members have a number of crucial roles which can be summarised as:

i. to provide strong leadership for the people of the Falkland Islands

ii. to give strategic direction and share in policy development and make policy and budgetary decisions

iii. to enable legislation

iv. to ensure there is adequate scrutiny of policy decisions and implementation, and to hold the Executive to account in the making and implementation of policy

v. to represent the community, promoting and communicating community interests within the decision-making processes and dealing with problems and concerns as they arise.

vi. to represent the Falkland Islands both within the Islands and abroad

d. The structure of Legislative Assembly, Executive Council and other committees means that decisions are taken by majority vote or consensus. Members should recognise that there may sometimes be differences of opinion on issues and these should be respected subject to the provisions of 2e(v) below.

e. Members are allocated portfolios for which they have political responsibility. It is expected that:

i. Members will brief other Members regularly on matters relating to their portfolio.

ii. Members will report publicly on their portfolio.

iii. Members will be actively involved in policy development in their portfolio area and will provide comments where appropriate as portfolio holder on reports taken to Committee or Executive Council.

iv. Portfolio holders may introduce Bills that are relevant to their portfolio area to Legislative Assembly

v. Policy decisions on portfolio areas once settled should be respected by the portfolio holder for that area. If a Member disagrees with a policy decision in his/her portfolio area and is unable to respect that decision then arrangements should be made between Members for the policy area to be the political responsibility of another Member.

f. Members are expected to:

i. work in close partnership with Officers

ii. have an understanding of and support for the respective roles of Officers and Members, workloads and pressures

iii. provide political leadership and direction

iv. act and treat all people with dignity, respect and courtesy

v. act with integrity and respect confidentiality

vi. not to place Officers under undue pressure, or make unreasonable requests or use their position to advance personal interests or unfairly influence decisions

vii. not interfere in operational or management issues, but to raise concerns through the appropriate channels where the executive is failing to carry out its functions efficiently and effectively.

g. Members should maintain a professional relationship with Officials, taking care not to confuse the separate roles of Members and Officials.

h. Members should behave in accordance with the Standing Rules and Orders of Legislative Assembly.

3. The Role of Officers

a. Officers are employees of and are in the service of FIG. Officers should support and advise Members on the decision-making processes and faithfully implement policy decisions. They should keep in close contact with respective portfolio holders. Officers should also take decisions themselves in matters where they have delegated authority or are otherwise authorised. Officers in carrying out their roles are required to be politically neutral. When an Officer has information that might have political or community impact that should be communicated to Members they should brief portfolio holders and, depending on the importance of the matter, should brief all Members collectively. When Officers seek informal policy advice from Members, they should ensure that the appropriate formal policy approvals are subsequently sought to confirm that policy.

b. Different Officers have different functions and it is important to recognise the differing roles:

i. The Chief Executive is the head of the public service and is ultimately responsible for it. The Chief Executive is the key officer interface between the Members and the public service. The Chief Executive will report to all Members on the performance of the public service and the development and implementation of policy.

ii. The Financial Secretary, Attorney General and other Directors have a lead role in relation to policy development, co-ordination and performance management and are accountable to the Chief Executive.

iii. Heads of Service are directly responsible for the day to day delivery of services within the agreed policies and decision making framework and are accountable to the Directors.

iv. Officers within services themselves are accountable to their service heads.

c. Officers are expected to:

i. demonstrate commitment to FIG as a whole and not to any political view or Member

ii. work in partnership with Members as is appropriate to their position in FIG

iii. have an understanding of and support for the respective roles of Officers and Members

iv. give reasonable and timely responses to enquiries

v. give professional advice not influenced by political views or preference and which does not compromise the political neutrality of Officers

vi. work with Members in their portfolio areas and consult with and involve Members in policy development, and keep all Members updated on the delivery of services and implementation of policy

vii. act and treat all people with dignity, respect and courtesy

viii. act with integrity and respect confidentiality

ix. not use their relationship with Members to advance their personal interests or to influence decisions improperly

x. support the role of Members as the representatives of FIG

xi. Officers should behave in accordance with the Management Code for the Public Service

d. Officers should manage relationships with Members so as to not create the perception of securing advantageous treatment.

[4]SCHEDULE 5.

1. LEAVE

1.1 Entitlement to leave

Members are entitled to leave for 30 working days in each year. Out of these, 20 working days are allocated for formal recess as follows:

- 10 working days for each recess period
- One recess period during the Christmas period (10 working days),
- one during the school winter holidays (August) (10 working days)

The remaining 10 working days can be taken at any time during the year.
Leave may be granted retrospectively on application to the Clerk.

1.2 Carrying forward of annual leave

Any unused leave can be carried over to the following year.

Members are encouraged to use their leave, however if there is any leave remaining at the end of the Session, this will be bought out.

1.3 Unauthorised absences from sittings of the Assembly

Generally, a Member must seek the approval of the Speaker or of the Assembly before being absent from any sitting of the Assembly, however, approval may be granted retrospectively.

1.4 Public Holidays

Members are entitled to public holidays as follows:

• New Year's Day
• HM The Queen's Birthday (21st April)
• Liberation Day (14th June)
• Peat Cutting Monday (First Monday in October)
• Battle Day (8th December)
• Christmas Day (25th December)
• Boxing Day (26th December)
• Christmas Holiday (27th December)

Members are not entitled to Government holidays as these form part of the Christmas recess period.

[4] New Schedule 5 added by Motion 1/2018 and all other schedules renumbered – 25.01.2018

Government holidays are the last two working days of December, to which Officers of the Falkland Islands Government are entitled as per the Management Code.

2. TIME OFF IN LIEU (TOIL)

Members are entitled to earn time off in lieu for weekends whilst overseas on business; however, the time must be utilised within the financial year in which the Member earned it. Time off in lieu cannot be carried over as part of annual leave and has no monetary value.

3. SICK LEAVE

The Falkland Islands Government Management Code is adopted for purposes of determining sick leave for Members.

Members are entitled to sick leave on full salary for 20 working days in each year. Any balance not utilised within a year can be carried over to a maximum accumulation of 80 days.

All sick absences will be dealt with in the same way as the Management Code prescribes and all leave must be recorded by the office staff. Any absences exceeding 7 working days will require a doctor's certificate.

4. COMPASSIONATE LEAVE

The Falkland Islands Government Management Code is adopted for purposes of determining compassionate leave for Members.

Compassionate leave with pay may be granted up to 10 working days in the case of the death or serious illness of an immediate relative of the Member (relative under this paragraph means the parent, spouse, child, brother or sister). Whilst "serious illness" may be difficult to define, it could be supported by a doctor's note or medical report if necessary.

5. MATERNITY AND PATERNITY LEAVE

A Member is entitled to:

- 12 weeks maternity leave
- 2 weeks paternity leave

Such leave must be taken in a consecutive period from the date its commencement is notified to the Speaker in writing.

[If there are any doubts about the application of these entitlements, reference may be made to the Clerk and the Speaker for adjudication.]

SCHEDULE 6

The Role of the Speaker

The functions of the Speaker (and where appropriate, the Deputy Speaker) shall be as follows:

(a) To preside over the business of the Assembly in accordance with the Standing Orders of the Assembly and (so far as those Standing Orders of the Assembly do not make provision) in accordance with the practice and procedure of the House of Commons at Westminster;

(b) To receive complaints from aggrieved members of the public where such complaint refers to either non-disclosure of interest, or breach of the Code of Conduct by a Member, and to determine whether such complaint should be referred to the Principal Complaints Commissioner for investigation and report. A decision not to refer a matter for further investigation may be subject to an appeal to the Governor.

(c) To receive complaints from any person where such complaint refers to a failure to discharge the duties of a Member of the Legislative Assembly, and to determine whether such complaint may be resolved informally, or be referred for further investigation to an independent person appointed by the Speaker. A decision not to refer a matter for further investigation may be subject to an appeal to the Governor.

(d) To uphold the privileges of the Assembly;

(e) To take a proper part at ceremonial occasions taking place in the presence of the Assembly;

(f) The advice of the Speaker in his capacity as such should not be sought or given save in relation to the effect and application of the Standing Orders of the Assembly or otherwise in relation to its practice and procedure;

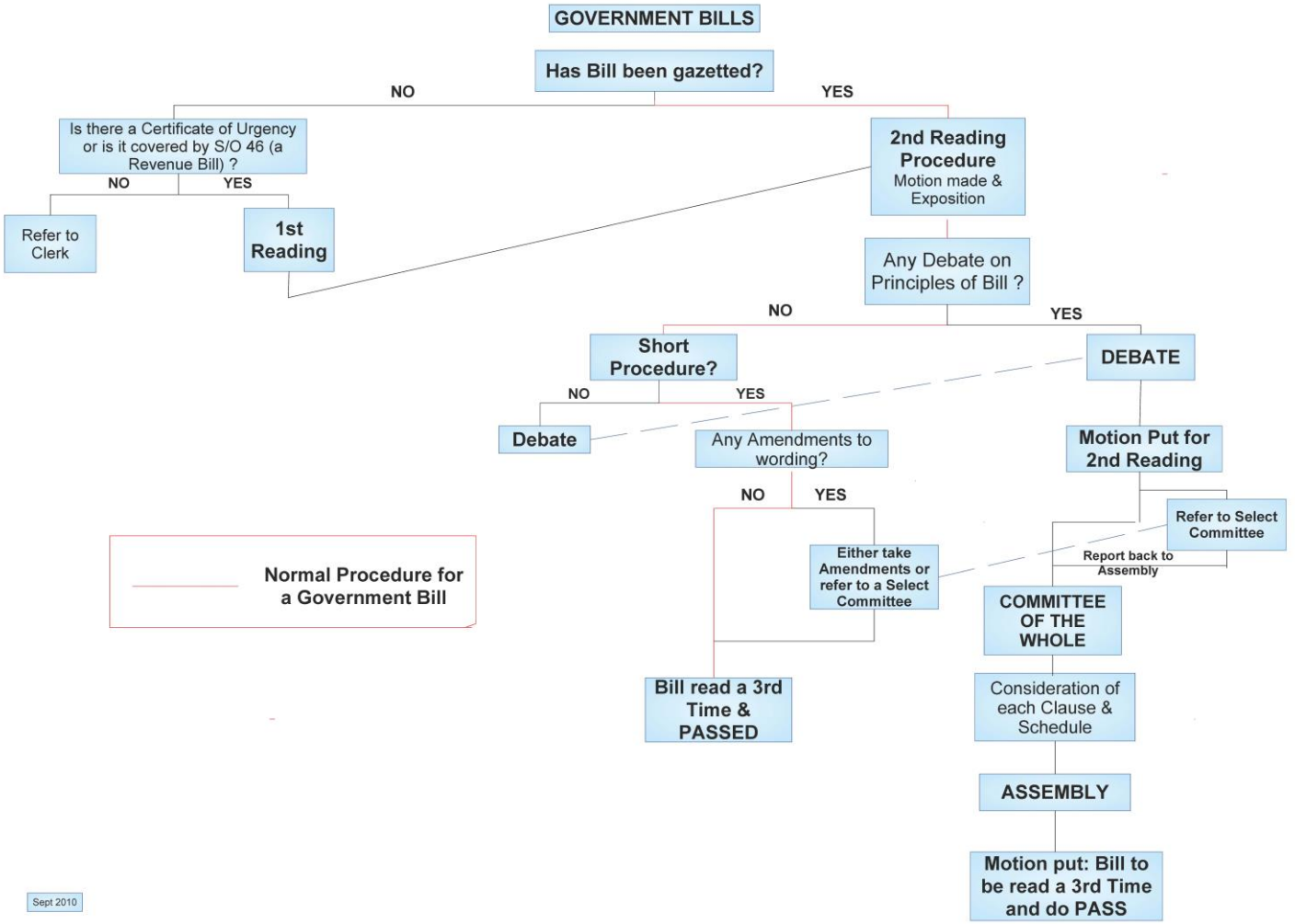
(g) The Speaker in his capacity as such should not publicly express any view or opinion in relation to the merits of any matter likely to come before the Assembly for decision or the likely decision of the Assembly in relation thereto;

(h) At the request of elected members, to attend meetings and conferences of Speakers of Legislatures in the Commonwealth and that the Speaker should not otherwise attend meetings overseas in his capacity as such, and has no automatic right to represent the Falkland Islands abroad;

(i) The Speaker shall be the President of the local branch of the Commonwealth Parliamentary Association.

SCHEDULE 7.

Schematic flow-chart illustrating the passage of a Government Bill through the Legislative Assembly.



SCHEDULE 8

VIRTUAL MEETINGS

1. A Standing Order which provides for a quorum has effect as if the requirement for a quorum applies to all the members of the Legislative Assembly who are —

    (a) physically present; and
    (b) participating, whether or not physically present.

2. Where a secret ballot is required, a member of the Legislative Assembly who is participating in the meeting but is not physically present must cast their vote by e-mail to the Clerk.

3. The Clerk must —

    (a) control access to the electronic links used for the purposes of the meeting; and
    (b) facilitate access to the virtual meeting by members of the public and press who would ordinarily be permitted to attend the relevant meeting or sitting.

4. A member of the Legislative Assembly who is participating but not physically present is not required to stand at any time during the meeting.