

NATIONAL ASSEMBLY FOR WALES

PROTOCOL ON CONDUCT IN THE CHAMBER

PRESIDING OFFICER'S PROTOCOL ON CONDUCT IN CHAMBER / RULES OF DEBATE

PRINCIPLES

Key Principle

1. Members must at all times in their conduct promote respect for the Assembly and extend respect and courtesy to other Members. Members must comply with any directions given by the Presiding Officer about conduct in the Chamber.

General

- Members are encouraged to give priority to attendance at plenary meetings;
- Members may speak in proceedings only when called to do so by the Presiding Officer;
- when the Presiding Officer is speaking, Members may not speak and if standing must resume their seats;
- only one Member may speak at a time;
- Members may speak only once in a debate on a particular motion or amendment unless exercising a right of reply;
- Members called to speak by the Presiding Officer may either stand or sit in their places and must address the Chair (Standing Order 7.1) (However, Members may wish to be aware that it is easier for other Members and people sitting in the public gallery to see a speaker who is on his or her feet);
- Members wishing to speak in a debate are expected to be present in the Chamber throughout the debate;
- speeches should be kept brief and be relevant to the topic being debated;
- Members may not bring food, drink or intrusive electronic equipment into the Chamber;
- other than Ushers, officials at the officials' table and Clerks, Assembly officials and Members' staff may not enter the Chamber.

MEMBERS SPEAKING IN DEBATE

2. As a general principle, it is hoped to keep all contributions to plenary debates short, relevant and to the point. Members are called to speak at the discretion of the Presiding Officer. At the start of a debate the Presiding Officer may set a time limit on speeches (Standing Order 7.3). Unless the Presiding Officer rules otherwise, the standard time limit will be 5 minutes. The Presiding Officer may direct a Member who has exceeded the time limit to stop speaking. It is

courteous for Members wishing to speak in debate to notify the Presiding Officer in advance to enable an appropriate time limit to be set. Members who do not give advance notice of their wish to speak or who are not present for the entire debate may find it less easy to catch the eye of the Presiding Officer. Members may attempt to catch the Presiding Officer's eye either by standing in their place or holding up their hand. While this is entirely a matter for the Presiding Officer's discretion, the Presiding Officer will normally, in calling Members to speak, invite representatives of each political group to speak in turn and have regard to the balance of party representation in the Assembly. Leaders of political groups will normally be given an opportunity to speak if they indicate a wish to do so.

3. A Member who is speaking may give way to another Member who wishes to intervene for the purposes of clarification. Such interventions should be brief. A Member who is intervening may not give way to a second Member who wishes to intervene. There is no right of intervention and if the Member speaking declines to give way, that is not a matter for the Presiding Officer (Standing Order 7.5).

4. During debates Members may speak only once on a particular motion or amendment unless they have proposed the motion or amendment, in which case they will normally have a right of reply before the motion or amendment is put to the vote, or if, with the Presiding Officer's consent, they wish to explain a material point in their original speech (Standing Order 7.4).

5. Debates are not intended to be a series of set speeches and Members intending to speak in debate are asked to be present throughout. This allows Members to take account of other Members' contributions in their speeches and avoid repetition. It is also undesirable for Members to read out prepared speeches without taking account of earlier contributions. It is courteous for Members to remain to hear any comments made in response to their speech. If a Member is unable to attend for the entire debate, he or she should notify the Presiding Officer when giving advance notice of his or her wish to speak and present his or her apologies to the Chamber.

Contents of speeches

6. Speeches must be relevant to the business before the Assembly and avoid tedious repetition (Standing Order 7.3). Members should not quote extensively from other documents or speeches.

7. Standing Order 7.2 forbids the use of language which the Presiding Officer considers to be disorderly, discriminatory or offensive, or which may detract from the dignity of the Assembly. It will be for the Presiding Officer to decide what constitutes disorderly, discriminatory or offensive language. However racist or sexist references will be considered both discriminatory and offensive.

8. Allegations made against Members or other persons in the course of proceedings in the Chamber enjoy absolute privilege under Section 77(1) of the Government of Wales Act. The provision of absolute privilege implies the need for great restraint as regards the making of allegations that might be damaging to the individuals concerned. Personal allegations against Members or other persons will therefore normally be considered offensive, including allegations of uttering falsehoods, allegations of corrupt or unfair or illegal practices and allegations of deliberate misrepresentation. If a Member considers exceptional circumstances exist that could justify a departure from this, the Presiding Officer should be consulted in advance.

9. Standing Order 7.2 provides that the Presiding Officer may require a Member who has used language considered to be disorderly, discriminatory or offensive to withdraw it.

10. Members referring to other Members in their speeches should use the form of address by which the Member wishes to be known e.g. Ms Davies, Ms Megan Davies, Mr Jones, David Jones, David.

Sub judice

11. Members wishing to raise a matter where court proceedings have been initiated must do so by means of a motion or question (Standing Order 7.13). Before tabling such a motion or question the Member must give advance notice to the Presiding Officer and must satisfy the Presiding Officer that:

- the matter is clearly related to public policy
- the matter does not relate to a case which is being or is to be heard before a jury
- the member will not, in his or her comments, encroach on the functions of the courts or a judicial tribunal
- when permission to raise a matter has been granted, there will continue to be an onus on Members to avoid comment which may prejudice the outcome of court proceedings.

12. The Presiding Officer will issue guidelines on this matter.

MEMBERS NOT SPEAKING IN DEBATE

13. Members who are not speaking will be expected to listen courteously to the debate and should not interrupt the Member speaking or carry on private conversations. Members may not bring into the Chamber intrusive electronic equipment, food, drink or anything which can act as a distraction to other Members.

14. Any messages from officials or staff should be sent electronically to the Member's desk or passed to the Ushers for transmission to the relevant Member.

PROGRESS OF DEBATES

15. The normal process of debate is as follows:

- at the start of the debate the Presiding Officer calls the proposer of the motion to propose it. This may be done formally ("I move that>>>") or the Member may speak in its favour within any time limit set for speeches in the debate;
- the Presiding Officer calls other Members to propose any amendments which have been tabled and selected, in the order in which they arise in the motion. If they arise in the same place they will be called either in the order in which they were tabled or in the order determined by the Presiding Officer to facilitate coherent debate;
- the Presiding Officer will then put each amendment to the vote. Where amendments to amendments have been tabled, they will be put to the vote before the amendment to which they relate is put to the vote. Once amendments have been put to the vote, the principal motion, amended as appropriate if any amendments have been carried, will then be put to the vote;
- if no amendments have been tabled and selected, the Presiding Officer calls Members to speak on the motion proposed;
- where the motion has been proposed by an Assembly Secretary, the Presiding Officer will first call a representative of one of the minority parties to respond; in so doing the Presiding Officer will take account of any agreements relating to the allocation of time among minority party representatives;
- shortly before the time scheduled for the debate to end and subject to any procedural motions, the Presiding Officer will call the proposer of the motion to reply to the debate, preceded either by an Assembly Secretary or a representative of a party opposing the motion as appropriate;

16. Members may not speak after the proposer of a motion has exercised a right of reply, except to seek clarification of a particular matter before the proposer of the motion concludes his or her speech (Standing Order 7.6). A Member may not speak after a proposition has been voted on except on a point of order relating to it (Standing Order 7.7).

DISORDERLY CONDUCT

17. The Presiding Officer will maintain order in the Assembly and call to order any Assembly Member who:

- (i) is engaging in conduct which may constitute a criminal offence;

- (ii) is obstructing the business of the Assembly;
- (iii) seeks to raise a matter outside the scope of the debate or motion;
- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using language which is disorderly, discriminatory or offensive which may detract from the dignity of the Assembly;
- (vi) refuses to conform to any Standing Order; or
- (vii) disregards the authority of the Chair (Standing Order 7.8).

18. Members must comply with any directions given by the Presiding Officer about conduct in the Chamber. If a Member does not comply with any such directions, the Presiding Officer will ask the Member to withdraw from proceedings for the remainder of the day. The Presiding Officer may also ask a Member to withdraw from proceedings for the remainder of the day if he or she considers the Member's conduct such as to warrant immediate withdrawal.

19. If a Member does not withdraw from proceedings when the Presiding Officer asks him or her to do so, a motion to exclude the Member from the Assembly will be proposed by another Member and will be voted on immediately. If the motion is agreed to the Member must leave the Chamber immediately. The exclusion on the first occasion shall be for one working day immediately following the day of exclusion, on a second occasion during the same calendar year for five working days immediately following the day of exclusion, and on a third or any subsequent occasion during the same calendar year for twenty working days immediately following the day of exclusion.

20. During the period of a Member's exclusion the Member will not be entitled to receive any salary from the Assembly and will not be permitted to attend the Assembly or any of its committees or sub-committees (Standing Order 7.11).

21. In case of grave disorder arising in the Assembly the Presiding Officer may adjourn the meeting without putting any proposition to the vote, or may suspend the sitting for a specified time (Standing Order 7.12).

CONDUCT OF MEMBERS OF PUBLIC

22. The Presiding Officer may make rules specifying the conditions with which members of the public must comply when attending plenary sessions (Standing Order 7.15). The Presiding Officer has made the following rules:

. Members of the public must not:

- attend proceedings if drunk or under the influence of drugs, or if their conduct causes offence to other members of the public;
- speak loudly, use intrusive electronic equipment, or otherwise disrupt the Assembly's proceedings;
- bring food or refreshments into the public gallery.

23. Members of the public who are considered by the Presiding Officer's staff to be in breach of any of these conditions will be excluded from proceedings. More generally, the Presiding Officer may require members of the public to withdraw from proceedings if they are disruptive or disorderly or interfering in the discharge of business (Standing Order 7.16).

As amended April 2000