



# Parliamentary Rules of Procedure

AN OVERVIEW

OFFICE FOR  
PROMOTION OF  
PARLIAMENTARY  
DEMOCRACY



**OPPD Publisher:** Dick Toornstra

**OPPD Coordinators:** Katarzyna Grzybowska-Walecka, Thomas Huyghebaert

Research and manuscript produced by Lorraine Kirkwood

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FOR MORE INFORMATION, PLEASE CONTACT:

OPPD – Office for Promotion  
of Parliamentary Democracy

DG EXPO – European Parliament  
Rue Wiertz 60 (Willy Brandt Building 04M061)  
B-1047 Brussels, BELGIUM

e-mail            oppd@europarl.europa.eu

tel.                +32 (0)2 284 42 29

fax                +32 (0)2 284 90 05

[HTTP://WWW.EUROPARL.EUROPA.EU/OPPD](http://www.europarl.europa.eu/oppd)

An OPPD publication  
on topical parliamentary affairs

# Parliamentary Rules of Procedure

AN OVERVIEW

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## Preface

This paper represents the first in a new series of publications on issues in parliamentary practice from the Office for Promotion of Parliamentary Democracy (OPPD).

The European Union (EU) is founded on the principles of liberty, democracy, respect for human rights, fundamental freedoms and the rule of law. The European Parliament (EP) has always been a staunch defender of these principles. Through its standing committees, inter-parliamentary delegations, plenary resolutions, debates on human rights and involvement in monitoring elections, the Parliament has actively sought to give high priority to democratisation in all its external actions.

In 2008 the European Parliament set up the Office for Promotion of Parliamentary Democracy to directly support new and emerging democracies (NED) beyond the borders of the European Union. The OPPD assists in the establishment and reform of parliaments and aims at strengthening their capacity to implement the chief functions of law-making, oversight and representation.

Members and civil servants of NED parliaments can benefit from tailored training and counselling provided by the OPPD as well as networking

with members and relevant services of the European Parliament.

The OPPD seeks to establish a continuing dialogue and partnership with NED parliaments worldwide and to support their participation as fully fledged members in the democratic community. It facilitates sharing of experiences and best practices of parliamentary methods, and fosters research and study of these practices.

Democracy has at its foundation respect for the individual and the rule of law. Whereas national constitutions are often seen as the safeguard of these liberties and the source from which the governance structure is derived, parliamentary Rules of procedure are often considered as the backbone for the proper functioning of the parliamentary system. These Rules specify members' rights and obligations while ensuring that some form of management of the parliamentary institution is in place. Drafting rules of procedure is not an easy task and many different types exist since governance structures differ from country to country.

This brochure's objective is to provide an overview of some of the core questions relating to parliamentary Rules of procedure and the way they are addressed.

# Introduction

**R**ules of procedure help define the character of a parliament by describing the rights and obligations of the elected parliamentarians, identifying the key organs of the institution, the manner in which business is to be conducted and ensuring some form of management of the house is in place. At the same time, they must show to the wider public that parliament works fairly and effectively.

Some rules of procedure are fairly succinct and afford ample discretionary power to the speaker/president. Others are extremely detailed, providing answers to almost every possible problem which might arise. Yet in all parliaments, internal rules are seen as an essential ingredient in allowing the Parliament to play its part in the governance process.

Rules of procedure are essential, not just in a technical sense but also to obtain the right balance between minority rights and the capacity to decide between the need for detailed scrutiny and the need for efficiency. They also help in terms of making visible to the public the democratic values that parliamentary democracy represents.

The European Parliament's Rules of Procedure number more than 200, comprising some 200 pages with an additional 20 annexes. They specify, among other things, the duties of individual Members (MEPs), officers and political groups (i.e. parliamentary party caucuses) and detail how Parliament organises its legislative and budgetary procedures;

the role of the Parliament in the EU's Foreign and Security Policy; relations with other bodies of the EU and national parliaments; and appointments, rules of conduct and the role and functioning of standing committees and delegations.

With such precise and explicit articles and annexes, one might expect all possible parliamentary scenarios and solutions to be included in the Rules. Yet this is not the case in the EP or in national parliaments. There will always be situations which, in order to be resolved, require a combination of rules, sensibility, tact and respect of tradition or unwritten rules. It is essential that parliamentary rules are identified by both the majority and the opposition, as they truly reflect the importance of the parliamentary institution in the overall democratic governance system of the country or region, and all parties share ownership of these rules.

Rules should genuinely reflect the spirit of parliamentary democracy and should never be imposed on the minority by the majority.

Political parties must realise that rules and their application demonstrate to the electorate how they interpret the value of the parliamentary democracy concept and the significance of the institution to which they belong.

If parties show in their deliberations disrespect for the rules or disdain for their opponents, their atti-

tude will negatively affect society as a whole. Citizens will not understand why they should resolve their disputes in a civil and courteous manner if their elected representatives choose not to set a positive example in this regard.

In many parliaments, as a consequence, specific rules allow for parties in opposition to exercise certain prerogatives such as chairing the public accounts committee.

Of course, parliaments operate within different constitutional systems, and therefore have distinct roles and functions. Such constitutional variables include:

(1) Parliamentary system vs. presidential system of government:

- In the parliamentary system, the executive is constitutionally answerable to the parliament, and is either formally elected by one house (e.g. Germany) or both houses (e.g. Italy), or must have the implicit support of a majority in parliament (e.g. UK) even if it is formally appointed by someone else, usually the head of state. The head of the executive, typically the prime minister (or the Chancellor in Germany and Austria) is generally the leader of the majority party in the lower house of parliament, but only remains in office for as long as he/she has the “confidence of the house”. If members of the lower house lose faith in the leader for whatever reason, they can often call a vote of no confidence and force the prime minister to resign.

- In the second system, the parliament has no role in choosing (nor usually in dismissing) the executive. There is a stricter separation of powers with the parliament (typically called “Congress” in such systems, especially in North and South America) focused on legislative functions. The executive does not form part of, nor is it appointed by, the legislative body. Some executive members may be subject to confirmation (e.g. USA), but typically, congresses do not select or dismiss the president – nor can governments usually request an early dissolution.
- Some countries (e.g. France) have a semi-presidential system, which combines a powerful president with an executive led by a prime minister formally responsible to parliament but, in reality, answerable to the president.

(2) Unicameral vs. bicameral system:

Just over half of EU countries (15) have unicameral parliaments namely the Nordic countries, the Baltic States, Portugal, Greece, Cyprus, Malta, Bulgaria, Slovenia, Slovakia, Hungary and Luxembourg. It is also common in Central America and the Middle East. Some countries are bicameral, but with far greater powers in the lower house (e.g. France, Ireland and especially the UK, where the upper house is not elected), whereas, in others, the houses are more, but usually not entirely, equal (e.g. Italy).

(3) Unitary states vs. states with responsibilities apportioned to different levels of governance, such as federal systems:

The latter often entails one of the parliamentary houses being composed of representatives of the smaller tier of governance (e.g. the German Bundesrat, comprised of cabinet ministers of the State governments, or the Belgian Senate, elected mostly by the sub-national entities in Belgium).

(4) Lastly the context in which parliaments operate may also vary according to historic and constitutional traditions depending on whether the current system emerged through emancipation of parliament from feudal times by successive victories against monarchs (most notably the British Parliament) or whether it came into being through a constituting act following a revolution or national independence.

Thus, parliamentary rules of procedure must fit within the context of the constitution and suit the political culture concerned.

The three core functions of any parliament, to legislate, to control and to represent must be adequately regulated by the rules, whereas upholding these rules should be done in such a manner as to allow the full realisation of these functions. Unfortunately, this is not always the case. Findings on political tolerance, as published by the Inter-parliamentary Union<sup>1</sup>, indicate that, although there is a strong support for political tolerance, there

is also a widespread perception of a serious lack of political tolerance in practice.

Fair representation of women, minorities and indigenous people is considered insufficient and the views of these groups therefore risk being inadequately reflected within the formal political system. Freedom of expression is viewed by a very large majority of countries polled as very important, but people in most states express concern that opposition parties do not get a fair chance to influence government policies.

In fact, in nearly every country surveyed, respondents perceive that their legislators have limited freedom to express views that differ from their political party. Interestingly, there appears to be no meaningful, overall difference in this regard between public opinion in countries with proportional electoral systems, where candidates are elected from a party list, and those with plurality voting systems where candidates are elected to represent a specific constituency.

Clearly, parliamentary rules on their own will not have the capacity to modify substantially the deficiencies of a given political environment. However, adherence to fair and respectful rules will positively impact the political climate of a country and its citizens. All political parties and move-

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1. 15.09.2009, International Day of Democracy, A Study of 24 Nations, IPU



ments must appreciate this if they want genuine parliamentary democracy to be their system of governance.

It is this embedding of the rules in the overall political landscape that will secure their effectiveness, both in letter and spirit.

Although parliaments vary enormously in their powers, traditions, style, size and constitutional settings, they face many common challenges. What is striking is the widespread attempt to balance the need for effective decision-making with the need for effective debate, scrutiny and discussion; the need to balance the will of the majority with the rights of minorities; and the need to ensure transparency and public confidence in the democratic system.

This overview does not attempt to provide a comprehensive account or academic study of parliamentary rules of procedures; rather, it is an initial introduction to certain key questions. It examines about 20 characteristic problems faced by parliaments and looks at typical solutions found to deal with them. It also includes an examination of some issues that relate to the choice or dismissal of the executive by parliament, even though this does not exist in most of those parliaments (or congresses) that have presidential type systems.

The study draws on examples mainly from the lower houses in bicameral systems (or the sole house in unicameral systems), as the upper houses vary so much in structure that comparisons are not always helpful. Specific examples of rules are quoted from various parliaments, but particularly from the European Parliament, whose rules are a blend of the national traditions of many countries.

It is structured around four pillars dealing with **Principal acts, Plenary proceedings, Political groups and Committees**. It is complemented by a chapter on different tasks which parliaments have to perform as well. The appendices contain additional information on the constitution of political groups and references to websites offering access to parliamentary rules.

It is my hope that this publication will be useful in helping parliaments to draft or renew their rules of procedure.

**Dick Toornstra**  
**Director**  
**Office for Promotion of Parliamentary Democracy (OPPD)**

# Principal acts

## Convening and constitution of parliament

If they are not laid down in a country's constitution, the initial convening of parliament after an election and the internal procedures for starting its work may be incorporated in the rules of procedure. An automatic date for members to assemble, without needing to be convened, is often included. This underlines the parliament's autonomy and its ability to meet without the executive's permission.

For example, the Finnish Parliament's Rules state in Article 1:

*The Parliament shall convene in session every year on the first day of February, at noon (unless it agrees to another date beforehand).*

The European Parliament has two such dates specified in Rule 134: an annual date and a date for convening after an election:

- 1. Parliament shall meet, without requiring to be convened, on the second Tuesday in March each year and shall itself determine the duration of adjournments of the session.*
- 2. Parliament shall in addition meet, without requiring to be convened on the first Tuesday after expiry of an interval of one month from [the elections].*

## President and supreme bodies

When parliament assembles after an election (in addition to meeting at predetermined mid-term intervals), in what many parliaments refer to as a "constitutive session", the first item on the agenda is typically the election of a presiding officer (president or speaker).

But who should chair the session in the meantime? There is a tradition in many countries for the oldest member to take the chair to conduct the election of the president. Other parliaments provide for the outgoing president to chair (if still a member, or, if not, an outgoing vice president).

An example of the first approach is found in Rule 1 of the French National Assembly:

*At the first sitting of each new term the chair shall be taken by the oldest member of the National Assembly, until the President has been elected.*

An example of the second approach is found in the European Parliament's Rule 12(1) which states:

*...the outgoing President or, failing him or her, one of the outgoing Vice-Presidents in order of precedence or, in the absence of any of them, the Member having held office for the longest period shall take the chair until the President has been elected.*

In the UK's House of Commons, if the outgoing Speaker is no longer a Member, the longest serving (and not the oldest) Member takes the chair. Standing Order 1(1) says:

*...the chair shall be taken by that Member, present in the House and not being a Minister of the Crown, who has served for the longest period continuously as a Member of this House.*

If the Speaker is still a Member, then, according to Standing Order 1(2):

*The Speaker shall continue to take the chair and shall perform the duties and exercise the authority of Speaker until a new Speaker has been chosen, whereupon the Speaker shall leave the chair.*

Some parliaments provide for their chief official to chair during the election of a speaker. For instance, the Australian House of Representatives' Standing Order 10(b), provides:

*The election shall be conducted by the Clerk acting as Chair.*

As to how the president/speaker is elected, most parliaments require him or her to obtain the support of the majority of the members on the first or second ballot. Only if no one obtains such an absolute majority does a subsequent ballot allow the candidate with the most votes to win.



The French National Assembly © National Assembly

For example, the French National Assembly's Rule 9(2) lays down:

*The President shall be elected by secret ballot at the rostrum. If no candidate obtains an absolute majority of votes cast at the first two ballots, a relative majority shall suffice at the third ballot, and where the votes are equal the oldest candidate shall stand elected.*

Similarly, the German Bundestag, in Rule 2(2), provides:

*The person receiving the votes of the majority of the Members of the Bundestag shall be elected. If a majority is not obtained in the first ballot, new candidates may be proposed for a second ballot. If a majority of the votes of the Members of the Bundestag is still not obtained, a third ballot shall be held. If there is only one candidate in the third ballot, this candidate shall be elected if he or she*



The Australian Parliament House, Canberra

*receives the majority of votes cast. Where there are several candidates, the two candidates with the highest number of votes shall move into the third ballot; the person who obtains the most votes shall be elected. In the event of a tie, the President in the Chair shall draw lots to decide which of the two candidates is elected.*

The Australian House of Representatives permits successive ballots, gradually eliminating the candidate with the fewest votes. Its Standing Order 11 (i) states:

*(i) For the office of Speaker, a nominee must receive a majority of votes. If no nominee has a majority after a ballot, the nominee with the smallest number of votes shall be excluded from later ballots, and a fresh ballot shall be held. This process shall be repeated as often as necessary until one nominee receives a majority of the votes, and this nominee shall be elected Speaker.*

By contrast, the Indian Lok Sabha provides for a vote on successive nominations in the order which they were tabled, until someone obtains a majority:

**Rule 7 (4)**

*The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House*

The speaker/president represents the parliament and is a symbol of its independence from the executive and from partisan pressures. Rule 7 of the German Bundestag summarises this succinctly:

*(1.) The President shall represent the Bundestag and conduct its business. He shall uphold the dignity and rights of the Bundestag, further its work, conduct its debates fairly and impartially, and maintain order in the Bundestag. He may participate in the meetings of any committee without being entitled to vote.*

*(2.) The President shall exercise the proprietary and police powers in all buildings, parts of buildings and land under the administration of the Bundestag. He shall issue internal regulations in agreement with the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure.*

*(3.) The President shall, in consultation with the Vice*

*Presidents, conclude those contracts that have considerable importance for the Bundestag Administration. He shall order any expenditure provided for in the Bundestag budget.*

Parliamentary debates normally run quite smoothly in accordance with the traditions of the parliament concerned. The litmus test for any rules of procedure arises when there are bitter divisions within parliament or when decisions of the executive or even of the parliamentary authorities such as the president/speaker are contested.

For this reason, rules of procedure in general give some discretionary authority to the presiding officer to ensure discipline, usually enabling him/her to suspend a sitting, demand that a member leave the chamber or even suspend a member for a period of time. It is essential that these powers go hand in hand with the political neutrality of the presiding officer and a high degree of trust. It is no coincidence therefore that the most far-reaching powers internationally are given to the Speaker of the House of Commons whose position has gained authority over centuries based on a long tradition of absolute impartiality.

In many parliaments, the final decision of any long-term disciplinary measure (i.e. not concerned with the expulsion of the member from the immediate sitting of the house, but with longer term suspension or a fine) is a matter for a disciplinary com-

mittee, or at least a review of the presiding officer's decision by such a committee. In many systems (though this depends on the national constitution) a member may have the right of appeal to the courts against any measures taken.

Some parliaments have particularly comprehensive rules on this subject and, in the European Parliament, for instance, they are as follows:

#### **Rule 152**

*(1.) The President shall call to order any Member who disrupts the smooth conduct of the proceedings or whose conduct fails to comply with the relevant provisions of Rule 9.*

*(2.) Should the offence be repeated, the President shall again call the Member to order, and the fact shall be recorded in the minutes.*

*(3.) Should the disturbance continue, or if a further offence is committed, the offender may be denied the right to speak and may be excluded from the Chamber by the President for the remainder of the sitting. The President may also resort to the latter measure immediately and without a second call to order in cases of exceptional seriousness. The Secretary-General shall, without delay, see to it that such disciplinary measures are carried out, with the assistance of the ushers and, if necessary, of Parliament's Security Service.*

*(4.) Should disturbances threaten to obstruct the business of the House, the President shall close or suspend the sitting for a specific period to restore*

order. If the President cannot make himself heard, he shall leave the chair; this shall have the effect of suspending the sitting. The President shall reconvene the sitting.

(5.) The powers provided for in paragraphs 1 to 4 shall be vested, *mutatis mutandis*, in the presiding officers of bodies, committees and delegations as provided for in the Rules of Procedure.

(6.) Where appropriate, and bearing in mind the seriousness of the breach of the Members' standards of conduct, the Member in the Chair may, no later than the following part-session or the following meeting of the body, committee or delegation concerned, ask the President to apply Rule 153.

#### **Rule 153**

(1.) In exceptionally serious cases of disorder or disruption of Parliament in violation of the principles laid down in Rule 9, the President, after hearing the Member concerned, shall adopt a reasoned decision laying down the appropriate penalty, which he shall notify to the Member concerned and to the presiding officers of the bodies, committees and delegations on which the Member serves, before announcing it to plenary.

(2.) When assessing the conduct observed, account shall be taken of its exceptional, recurrent or permanent nature and of its seriousness, on the basis of the guidelines annexed to these Rules of Procedure(1).

(3.) The penalty may consist of one or more of the following measures:

(a) a reprimand;

(b) forfeiture of entitlement to the daily subsistence allowance for a period of between two and ten days;

(c) without prejudice to the right to vote in plenary, and subject, in this instance, to strict compliance with the Members' standards of conduct, temporary suspension from participation in all or some of the activities of Parliament for a period of between two and ten consecutive days on which Parliament or any of its bodies, committees or delegations meet;

(d) submission to the Conference of Presidents, in accordance with Rule 19, of a proposal for the Member's suspension or removal from one or more of the elected offices held by the Member in Parliament.

#### **Rule 154**

The Member concerned may lodge an internal appeal with the Bureau within two weeks of notification of the penalty imposed by the President. Such an appeal shall have the effect of suspending the application of that penalty. The Bureau may, not later than four weeks after the lodging of the appeal, annul, confirm or reduce the penalty imposed, without prejudice to the external rights of appeal open to the Member concerned. Should the Bureau fail to take a decision within the time limit laid down, the penalty shall be declared null and void.

#### **ANNEX XVI: Guidelines for the interpretation of the standards of conduct of Members**

(1.) A distinction should be drawn between visual actions, which may be tolerated provided they are

*not offensive and/or defamatory, remain within reasonable bounds and do not lead to conflict, and those which actively disrupt any parliamentary activity whatsoever.*

*(2.) Members shall be held responsible for any failure by persons whom they employ or for whom they arrange access to Parliament to comply on Parliament's premises with the standards of conduct applicable to Members.*

*The President or his representatives may exercise disciplinary powers over such persons and any other outside person present on Parliament's premises.*



European Parliament, Brussels © EP

In the House of Commons, the equivalent Rules state:

#### *Order in the House*

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

*(42a) The Speaker, or the chairman, may direct any Member who breaches the terms of the sub judice resolution of the House to resume his seat.*

*(43.) The Speaker, or the chairman, shall order any Member or Members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that day's sitting; and the Serjeant at Arms shall act on such orders as he may*

*receive from the chair in pursuance of this order. But if on any occasion the Speaker, or the chairman, deems that his powers under the previous provisions of this order are inadequate, he may name such Member or Members, in which event the same procedure shall be followed as is prescribed by*

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



Lithuanian Parliament, Vilnius

*made forthwith put the same question as if the offence had been committed in the House itself. Proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business.*

*(2) If any Member be suspended under paragraph (1) of this order, his suspension on the first occasion shall continue for five sitting days, and on the second occasion for twenty sitting days, including in either case the day on which he was suspended, but, on any subsequent occasion, until the House shall resolve that the suspension of such Member do terminate. (...).*

*(45.) (1) Members who are ordered to withdraw under Standing Order No. 43 (Disorderly conduct) or who are suspended from the service of the House shall forthwith withdraw from the precincts of the House.*

*(2) Suspension from the service of the House shall not exempt the Member so suspended from serving on any committee for the consideration of a private*

*bill to which he may have been appointed before the suspension.*

*(45a) The salary of a Member suspended from the service of the House shall be withheld for the duration of his suspension.*

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

A shorter, more sweeping rule can be found in the Rules of the Lithuanian Seimas, Article 21, which states:

*1. The Seimas may temporarily remove a Seimas Member from the chamber until the end of the sitting of that day, if he:*

*a) continues, after being called to order, to interrupt the work of the Seimas or does not carry out the recommendations of the Commission on Ethics and Procedures regarding the avoidance of the conflict of interests;*

*b) during a sitting, calls for the use of the coercion or uses it personally;*

*c) publicly insults or threatens the President of the Republic, the Seimas, the Speaker of the Seimas, the Seimas Members, the Government, or the Prime Minister, or threatens them during a sitting;*

*d) disgraces the name of a Seimas Member with his actions.*

*2. Decisions concerning the removal of a Seimas Member from the chamber shall be adopted*



without debate by a simple majority of the Seimas Members participating in the voting, on the recommendation of the presiding officer of the sitting or the Commission on Ethics and Procedures.

3. If a Seimas Member who has been temporarily removed from the sitting, refuses to heed the demand of the presiding officer of the sitting to leave the chamber, the sitting shall be temporarily interrupted and security officers shall escort the punished Seimas Member from the chamber.

4. The Seimas Member who is removed from Seimas sittings shall not receive a salary for the days when the Seimas sittings from which he is removed are held.

The Rules of the German Bundestag are equally clear:

#### **Rule 38 – Suspension of Members of the Bundestag**

(1.) The President may order a Member of the Bundestag who has committed a serious breach of order to leave the Chamber for the remainder of the sitting even if he has not been called to order. Before the sitting is closed the President shall announce for how many sitting days the Member in question will be suspended. A Member of the Bundestag may be suspended for up to thirty sitting days.

(2.) The Member concerned shall immediately leave the Chamber. If he refuses to obey the order, the President shall indicate to him that his behaviour will result in a prolongation of his suspension.

(3.) The Member concerned shall also be excluded from committee meetings for the duration of his suspension.

(4.) If the Member concerned attempts unlawfully to take part in sittings of the Bundestag or meetings of its committees, the second sentence of paragraph (2) shall apply *mutatis mutandis*.

(5.) The Member concerned shall not be deemed to be on leave of absence. He may not enter his name in the attendance register.

#### **Rule 39 – Objection to a call to order or to a suspension**

The Member concerned may, by the next sitting day, lodge a reasoned objection in writing to the call to order or to his suspension. The objection shall be placed on the agenda of that sitting. The Bundestag shall decide thereon without debate. The objection shall not have a delaying effect.

Even where considerable leeway is given to the speaker/president, many parliaments find it useful to have a representative body that works alongside the president or is authorised to make certain proposals regarding parliamentary business. Some have more than one such organ, distinguishing between political matters (typically the president and leaders of political groups) and administrative matters (the president and vice presidents). Parliaments may have an additional body known as the Quaestors, a term dating back to the Senate of the Roman Empire, whose particular remit is to

look after members' administrative matters and privileges.

How parliaments choose to regulate the composition of such bodies varies enormously. For example, in the European Parliament, a Conference of Presidents is composed automatically of the President and the leaders of each political group (if there is a vote, each has the same number of votes as there are members of their group), while the Bureau is composed of the President and the 14 Vice Presidents who are elected by the House as a whole.

The tasks of these bodies are laid down as follows:

**Rule 23 – Duties of the Bureau**

(1.) *The Bureau shall carry out the duties assigned to it under the Rules of Procedure.*

(2.) *The Bureau shall take financial, organisational and administrative decisions on matters concerning Members and the internal organisation of Parliament, its Secretariat and its bodies.*

(3.) *The Bureau shall take decisions on matters relating to the conduct of sittings.*

*The term 'conduct of sittings' includes the matter of the conduct of Members within all of Parliament's premises.*

(4.) *The Bureau shall adopt the provisions referred to in Rule 33 concerning non-attached Members.*

(5.) *The Bureau shall decide the establishment plan of the Secretariat and lay down regulations concerning the administrative and financial situation*

*of officials and other servants.*

(6.) *The Bureau shall draw up Parliament's preliminary draft budget estimates.*

(7.) *The Bureau shall adopt the guidelines for the Quaestors in accordance with Rule 26.*

(8.) *The Bureau shall be the authority responsible for authorising meetings of committees away from the usual places of work, hearings and study and fact-finding journeys by rapporteurs. (...)*

(9.) *The Bureau shall appoint the Secretary-General in accordance with Rule 207.*

(10.) *The Bureau shall lay down the implementing rules relating to Regulation (EC) No 2004/2003 of the European Parliament and of the Council on the regulations governing political parties at European level and the rules regarding their funding. In implementing that Regulation, it shall assume the tasks conferred upon it by these Rules of Procedure.*

(11.) *The President and/or the Bureau may entrust one or more members of the Bureau with general or specific tasks lying within the competence of the President and/or the Bureau. At the same time the ways and means of carrying them out shall be laid down.*

(12.) *When a new Parliament is elected, the outgoing Bureau shall remain in office until the first sitting of the new Parliament.*

**Rule 25 – Duties of the Conference of Presidents**

(1.) *The Conference of Presidents shall carry out the duties assigned to it under these Rules of Procedure.*

(2.) *The Conference of Presidents shall take deci-*

sions on the organisation of Parliament's work and matters of legislative planning.

(3.) The Conference of Presidents shall be the authority responsible for matters concerning relations with the other institutions and bodies of the European Union and with the national parliaments of Member States. The Bureau shall appoint two Vice Presidents to implement the relations with national parliaments. They shall report back regularly to the Conference of Presidents on their activities in this regard.

(4.) The Conference of Presidents shall be the authority responsible for matters concerning relations with non-member countries and with non-Union institutions and organisations.

(5.) The Conference of Presidents shall be responsible for organising structured consultation with European civil society on major topics. This may include holding public debates, open to participation by interested citizens, on subjects of general European interest. The Bureau shall appoint a Vice President responsible for the implementation of such consultations, who shall report back to the Conference of Presidents.

(6.) The Conference of Presidents shall draw up the draft agenda of Parliament's part-sessions.

(7.) The Conference of Presidents shall be the authority responsible for the composition and competence of committees, committees of inquiry, joint parliamentary committees, standing delegations and ad hoc delegations.

(8.) The Conference of Presidents shall decide how



The German Bundestag © Deutscher Bundestag

seats in the Chamber are to be allocated pursuant to Rule 34.

(9.) The Conference of Presidents shall be the authority responsible for authorising the drawing up of own-initiative reports.

(10.) The Conference of Presidents shall submit proposals to the Bureau on administrative and budgetary matters concerning the political groups.

A similar division exists in the German Bundestag between the "Presidium" and the "Council of Elders":

#### **Rule 5 – Presidium**

The President and the Vice Presidents shall form the Presidium.

[Under Rule 2, each political Group is entitled to at least one Vice President. There are currently 6 Vice Presidents]

#### **Rule 6 – Council of Elders**

(1.) The Council of Elders shall consist of the Presi-

dent, the Vice Presidents and twenty-three further Members to be appointed by the parliamentary groups pursuant to Rule 12 [proportionality between Groups]. The President shall be responsible for convening the Council of Elders. He must convene it if a parliamentary group or five per cent of the Members of the Bundestag so demand.

(2.) The Council of Elders shall assist the President in the conduct of business. It shall ensure that agreement is reached among the parliamentary groups on the appointment of committee chairpersons and deputy chairpersons and on the Bundestag's work programme. In the exercise of these functions the Council of Elders shall not be a decision-making body.

(3.) The Council of Elders shall decide on the internal affairs of the Bundestag insofar as they do not fall within the competence of the President or the Presidium. It shall decide on the use to be made of the premises set aside for the Bundestag. It shall prepare the draft of the Bundestag budget, from which the Budget Committee may only depart after consultation with the Council of Elders.

(4.) The Council of Elders shall set up a permanent subcommittee to attend to matters concerning the library, the archives and other documentation services. Members of the Bundestag who are not members of the Council of Elders may belong to this subcommittee.

Not all parliaments have two separate bodies. The Estonian Riigikogu, for instance, has a single "Board":

#### **Rule 12 – Composition of [the] Board of Riigikogu**

The Board of the Riigikogu consists of the President and Vice-Presidents of the Riigikogu.

#### **Rule 13 – Duties of [the] Board of Riigikogu**

(1.) The Board of the Riigikogu is a collegial directing body which organises the work of the Riigikogu and ensures its administration.

(2.) The Board of the Riigikogu shall:

- 1) arrange for representation of the Riigikogu and, if necessary, establish general guidelines concerning official travels abroad of members of the Riigikogu;
- 2) determine the number of members of the standing committees of the Riigikogu and the number of positions in the standing committees for the factions, appoint members of the Riigikogu who do not belong to factions to standing committees, approve the composition of the standing committees and changes thereto and, if necessary, establish general guidelines concerning the organisation of the work and the areas of activity of the committees;

(3.) register Riigikogu factions and changes to the composition thereof;

(4.) introduce draft legislation to the legislative proceeding of the Riigikogu and appoint leading committees for the draft legislation;

(4.1) forward draft European Union legislation submitted to the Riigikogu to the European Union Affairs Committee or the Foreign Affairs Committee, designate the standing committees which are to provide an opinion on the draft legislation, and

determine the time by which that opinion is to be provided;

(5.) decide to hold an additional sitting of the Riigikogu and prepare the agenda for the additional sitting;

(6.) make a proposal to the Riigikogu to establish the working schedule of an extraordinary session of the Riigikogu;

(7.) prepare the agenda for a plenary working week of the Riigikogu and, in the cases arising from this Act, include issues on the agenda on its own initiative, grant permission to visitors to the Riigikogu to make political statements and specify the time thereof;

(8.) establish the procedure for compiling verbatim records and taking minutes of the sittings of the Riigikogu;

(9.) decide on the changing of the time at which documents which are the bases for deliberation of items on the agenda are made available to members of the Riigikogu;

(10.) establish the rules of legislative drafting for draft legislation;

(11.) in the case prescribed in subsection 132 (1) of this Act, designate a term for the nomination of candidates for Prime Minister and the order of appearance of the nominated candidates for Prime Minister;

(12.) prepare the order of questions for Question Time;

(13.) determine the duration of the deliberation of matters of significant national importance, the presenters of such matter and the time prescribed

for posing questions and presenting comments;  
[(14.) repealed]

(15.) decide on the sending of members of the Riigikogu on official travel and establish the conditions and extent of and procedure for reimbursement of foreign assignment expenses of members of the Riigikogu, as well as the compensation of expenses provided in § 30 and subsection 31(2) of the Status of Member of Riigikogu Act; (...)

(16.) establish the organisational structure of the Chancellery of the Riigikogu and establish the salary rates for positions in the Chancellery of the Riigikogu;

(17.) appoint the Secretary General of the Riigikogu to office by way of public competition;

(18.) decide on procedural issues not regulated by this or any other Act;

(19.) discuss questions posed to the Board by the President of the Riigikogu;

(20.) if necessary, call the representatives of factions in order to hear their opinions on issues relating to the organisation of the work of the Riigikogu;

(20.1) approve the procedure for maintaining the archives of the Riigikogu;

(21.) organise other aspects of the work of the Riigikogu.

Some Parliaments have no such body and instead delegate these matters to the speaker who consults where necessary with different parties in the house. However, this can be problematic and could leave minorities or opposition parties dissatisfied.

# Plenary Proceedings

Numerous constitutional systems allow parliament flexibility over the adoption of its own agenda, while others give government a substantial or even dominant role in this regard. Where government's role is dominant, it is common practice to allow "opposition days" where opposition parties exercise a minority right to place items on the parliamentary agenda.

Where a parliament determines its own agenda, this is usually on the basis of a proposal by the speaker or a speaker's conference/conference of presidents. Naturally, such proposals are made after due consultation with the executive, political groups and parliamentary committees in terms of what business is ready or how urgent it is. In any event, even parliaments with complete formal control over their agenda are likely to consult the executive regularly when setting the agenda.

Many parliaments leave the final say on the agenda to the plenary, often by means of a vote at the start of a session to confirm the proposal of the speaker or conference of presidents.

Once adopted, an agenda can normally be changed only by a special decision, which is limited to proposals from the speaker, the government, a specified number of members, or a political group.



Plenary session, European Parliament © EP

The European Parliament's Rules are as follows:

## *Rule 137 – Draft Agenda*

- (1.) Before each part-session the draft agenda shall be drawn up by the Conference of Presidents on the basis of recommendations by the Conference of Committee Chairs taking into account the agreed annual legislative programme referred to in Rule 35. The Commission and the Council may, at the invitation of the President attend the deliberations of the Conference of Presidents on the draft agenda.*
- (2.) The draft agenda may indicate voting times for certain items down for consideration.*
- (3.) One or two periods, together totalling a maximum of 60 minutes, may be set aside in the draft agenda for debates on cases of breaches of human rights, democracy and the rule of law pursuant to Rule 122.*
- (4.) The final draft agenda shall be distributed to Members at least three hours before the beginning of the part-session.*

#### **Rule 140 – Adopting and amending the agenda**

(1.) At the beginning of each part-session, Parliament shall take a decision on the final draft agenda. Amendments may be proposed by a committee, a political group or at least 40 Members. Any such proposals must be received by the President at least one hour before the opening of the part-session. The President may give the floor to the mover, one speaker in favour and one speaker against, in each case for not more than one minute.

(2.) Once adopted, the agenda may not be amended, except in pursuance of Rules 142 or 174 to 178 or on a proposal from the President. If a procedural motion to amend the agenda is rejected, it may not be tabled again during the same part-session.

(3.) Before closing the sitting, the President shall announce the date, time and agenda of the next sitting.

House of Commons Standing Orders provide:

(14.)– (1) Save as provided in this order, government business shall have precedence at every sitting.

– (2) Twenty days shall be allotted in each session for proceedings on opposition business, seventeen of which shall be at the disposal of the Leader of the Opposition and three of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days

shall have precedence over government business provided that–

(a) two Friday sittings shall be deemed equivalent to a single sitting on any other day;

(b) on any day other than a Friday, not more than two of the days at the disposal of the Leader of the Opposition may be taken in the form of four half days, and one of the days at the disposal of the leader of the second largest opposition party may be taken in the form of two half days; and... (...)

– (4) Private Members' bills shall have precedence over government business on thirteen Fridays in each session to be appointed by the House.

– (5) On and after the eighth Friday on which private Members' bills have precedence, such bills shall be arranged on the order paper in the following order – consideration of Lords amendments, third readings, consideration of reports not already entered upon, adjourned proceedings on consideration, bills in progress in committee, bills appointed for committee, and second readings.

– (6) The ballot for private Members' bills shall be held on the second Thursday on which the House shall sit during the session under arrangements to be made by the Speaker, and each bill shall be presented by the Member who has given notice of presentation or by another Member named by him in writing to the Clerks at the Table, at the commencement of public business on the fifth Wednesday on which the House shall sit during the session. (...)

(26.) Upon the Speaker's direction, the Clerk shall

*read the orders of the day, without any question being put.*

*(27.) The orders of the day shall be disposed of in the order in which they stand upon the paper, the right being reserved to Her Majesty's Ministers of arranging government business, whether orders of the day or notices of motion, in such order as they think fit.*

The German Bundestag's Rule 20 states:

*(1.) The date and agenda of each sitting of the Bundestag shall be agreed in the Council of Elders, unless the Bundestag has already taken a decision thereon or the President determines them on his own authority pursuant to Rule 21, paragraph (1).*

*(2.) The agenda shall be communicated to the Members of the Bundestag, to the Bundesrat and to the Federal Government. If no objection is raised, it shall be deemed to have been adopted when the first item is called. After the opening of a plenary sitting any Member of the Bundestag may, before the first item on the agenda is called, move an amendment to the agenda, provided his motion was submitted to the President by 18.00 hours on the previous day at the latest.*

*(3.) After the agenda has been adopted other items may be discussed only if no objection is raised either by a parliamentary group or by five per cent of the Members of the Bundestag, who shall be present, or if these Rules of Procedure permit discussion of matters not included in the agenda. The Bundestag*

*may at any time remove an item from the agenda unless these Rules of Procedure provide otherwise.*

*(4.) Items of business submitted by Members of the Bundestag must, upon the demand of the movers, be placed on the agenda for the next sitting and discussed if at least three weeks have passed since distribution of the relevant printed paper (Rule 123).*

### **Agenda setting / Urgencies**

Most parliaments have procedures to add something new, important and/or urgent to the agenda at short notice, and/or to give individual members the possibility to bring issues to the floor of the house at short notice. These procedures vary from one parliament to another.

In the UK House of Commons, Standing Orders provide:

*(24.)– (1) On Monday, Tuesday, Wednesday and Thursday a Member rising in his place at the commencement of public business may propose, in an application lasting not more than three minutes, to move the adjournment of the House for the purpose of discussing a specific and important matter that should have urgent consideration. If the Speaker is satisfied that the matter is proper to be so discussed, the Member shall either obtain the leave of the House, or, if such leave be refused, the assent of not fewer than forty Members who shall*



*thereupon rise in their places to support the motion, or, if fewer than forty Members and not fewer than ten shall thereupon rise in their places, the House shall, on a division, upon question put forthwith, determine whether such motion shall be made.*

*(2.) If leave is given or the motion is so supported or the House so determines that it shall be made the motion shall stand over until the commencement of public business on the following day (or, on Thursdays, until the commencement of public business on the following Monday) when proceedings upon it shall be interrupted after three hours, or, if the Speaker directs that the urgency of the matter so requires, until seven o'clock on the same day if it is a Monday or Tuesday, four o'clock if it is a Wednesday or three o'clock if it is a Thursday.*

*(3.) A Member intending to propose to move the adjournment of the House under the provisions of this order shall give notice to the Speaker by twelve o'clock on a Monday or Tuesday, half-past ten o'clock on a Wednesday or half-past nine o'clock on a Thursday, if the urgency of the matter is known at that hour. If the urgency is not so known he shall give notice as soon thereafter as is practicable. If the Speaker so desires he may defer giving his decision upon whether the matter is proper to be discussed until a named hour, when he may interrupt the proceedings of the House for the purpose.*

*(4.) In determining whether a matter is proper to be discussed the Speaker shall have regard to the extent to which it concerns the administrative responsibilities of Ministers of the Crown or*



House of Commons, United Kingdom

*could come within the scope of ministerial action. In determining whether a matter is urgent the Speaker shall have regard to the probability of the matter being brought before the House in time by other means.*

*(5.) The Speaker shall state whether or not he is satisfied that the matter is proper to be discussed without giving the reasons for his decision to the House.*

*(6.) Debate on motions made under this order may include reference to any matter that would be in order on a motion to take note of the subject under discussion, and a motion may be made under this order notwithstanding the fact that a motion for the adjournment is already before the House or is proposed to be made. (...)*

*(25.) When a motion shall have been made by a Minister of the Crown for the adjournment of the House for a specified period or periods, the question thereon shall be put forthwith and may be decided at any hour, though opposed.*



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Some parliaments also set aside a specific period of time for members to raise an issue of their choice:

***European Parliament, Rule 150: One-minute speeches***

*For a period of not more than 30 minutes during the first sitting of each part-session the President shall call Members who wish to draw Parliament's attention to a matter of political importance. Speaking time for each Member shall not exceed one minute. The President may allow a further such period later during the same part-session.*

***Austrian Nationalrat, Rule 97a***

*(1) The deliberations in plenary of a week of sittings shall commence with a Debate on Matters of Topical Interest if five Members so require in writing at least 48 hours previously - not counting Saturdays, Sundays and legal holidays - and at the same time indicate the subject to be discussed. If there are several requests, the President shall select the*

*topic to be discussed, bearing in mind the principles set out in § 60 (3).*

*(2) The Parliamentary Administration shall inform the members of the Federal Government.*

*(3) The Debate on Matters of Topical Interest shall serve to discuss subjects of general topical interest that regard the executive function of the Federal Government; no motions may be made or decisions taken.*

*(4) No Question Hour shall take place in sittings that commence with a Debate on Matters of Topical Interest. (...)*

**Speaking Time**

Decisions on who can speak when, for how long and in what order is fundamental to the smooth running of parliament and also ensures pluralist, representative debates. Getting the right balance is vital for a parliament's image and reputation.

Generally, parliaments give their speaker/president considerable discretion in terms of giving the floor to members. Some have arrangements whereby speaking time is shared out among different parliamentary groups, otherwise it is accepted that the government spokesperson will be succeeded in the debate by the opposition spokesperson followed by others in rotation. The length of speeches is regulated in most parliaments. The US Senate is well-known for not

imposing a limit, thereby allowing members to “filibuster” if they are particularly opposed to a measure – that is, to speak at enormous length in order to delay proceedings. Filibustering can also take the form of successive speeches by a large number of members. For this reason, many parliaments can conclude a debate (e.g. by the speaker or by a member putting closure to a vote), or allow the president either to decide the time at which a debate will conclude, or pre-determine its duration.

Clearly, the length of a debate will vary according to the subject matter. Some items may be considered important by general consensus and others less so, albeit with widely different views. Most parliaments consider it essential to hear a full range of opinions on controversial matters.

On the whole parliaments make provision for the executive to speak in debates, notably to present legislative proposals or to make statements on government policy, to be followed immediately by other speakers, including the opposition.

This is not the case in presidential systems such as the United States, where the executive does not normally participate directly in the work of the legislature. There, individual members may introduce legislation in conformity with the wishes of the executive, and a similar pluralistic debate will ensue.

On limiting the length of speeches:

#### *House of Commons, Standing Order 47*

*(1.) The Speaker may announce at or before the commencement of proceedings on any motion or order of the day relating to public business that he intends to call Members to speak in the debate thereon, or at certain times during that debate, for no longer than any period he may specify (which shall not be less than eight minutes), and whenever the Speaker has made such an announcement he shall, subject to paragraph (2), direct any Member (other than a Minister of the Crown, a Member speaking on behalf of the Leader of the Opposition, or not more than one Member nominated by the leader of the second largest opposition party) who has spoken for that period to resume his seat forthwith.*

*(2.) In relation to any speech, the Speaker shall add to any period specified in paragraph (1) of this order –*

*(a) one minute if one intervention is accepted, plus the time taken by that intervention;*

*(b) two minutes if two or more interventions are accepted, plus the time taken by the first two such interventions.*

*(3.) The Speaker may call Members between certain hours to speak for a specified maximum time (not being less than three minutes) and during this time the reference to eight minutes in paragraph (1) and the provisions of paragraph (2) shall not apply.*

On the general distribution of speaking time:

**European Parliament, Rule 149 – Allocation of speaking time and list of speakers**

(1.) *The Conference of Presidents may propose to Parliament that speaking time be allocated for a particular debate. Parliament shall decide on this proposal without debate.*

(2.) *Members may not speak unless called upon to do so by the President. Members shall speak from their places and shall address the President. If speakers depart from the subject, the President shall call them to order.*

(3.) *The President may draw up, for the first part of a particular debate, a list of speakers that includes one or more rounds of speakers from each political group wishing to speak, in the order of their size, and one non-attached Member.*

(4.) *Speaking time for this part of a debate shall be allocated in accordance with the following criteria:*

*(a) a first fraction of speaking time shall be divided equally among all the political groups;*

*(b) a further fraction shall be divided among the political groups in proportion to the total number of their Members;*

*(c) the non-attached Members shall be allocated an overall speaking time based on the fractions allocated to each political group under points (a) and (b).*

(5.) *Where a total speaking time is allocated for several items on the agenda, the political groups shall inform the President of the fraction of their*

*speaking time to be used for each individual item. The President shall ensure that these speaking times are respected.*

(6.) *The remaining part of the time for a debate shall not be specifically allocated in advance. Instead, the President shall call on Members to speak, as a general rule for no more than one minute. The President shall ensure – as far as possible – that speakers holding different political views and from different Member States are heard in turn.*

(7.) *On request priority may be given to the Chair or rapporteur of the committee responsible and to the Chairs of political groups who wish to speak on their groups' behalf, or to speakers deputising for them.*

(8.) *The President may give the floor to Members who indicate, by raising a blue card, their wish to put to another Member, during that Member's speech, a question of no longer than half a minute's duration, if the speaker agrees and if the President is satisfied that this will not lead to a disruption of the debate.*

(9.) *No Member may speak for more than one minute on any of the following: the minutes of the sitting, procedural motions, or amendments to the final draft agenda or the agenda.*

(10.) *Without prejudice to his other disciplinary powers, the President may cause to be deleted from the verbatim reports of debates of sittings the speeches of Members who have not been called upon to speak or who continue to speak beyond the time allotted to them.*

(11.) *In the debate on a report the Commission and the Council shall as a rule be heard immedi-*

ately after its presentation by the rapporteur. The Commission, the Council and the rapporteur may be heard again, in particular in order to respond to the statements made by Members.

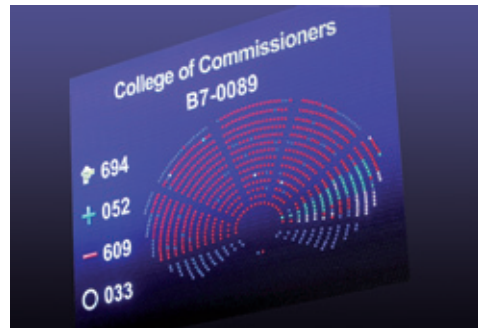
(12.) Members who have not spoken in a debate may, at most once per part-session, hand in a written statement of not more than 200 words, which shall be appended to the verbatim report of the debate.

(13.) Without prejudice to Article 230 of the Treaty on the Functioning of the European Union [note: this Article gives the Commission and the Council the right to speak when they wish in Parliament], the President shall seek to reach an understanding with the Commission, the Council and the President of the European Council on the appropriate allocation of speaking time for them.

### **German Bundestag, Rule 28 – Order in which speakers are called**

(1.) The President shall determine the order in which speakers are called. In so doing, he shall be guided by the need to ensure that debates are conducted properly and efficiently, with due regard to the different views of political parties, the arguments for and against the subject under debate, and the relative strengths of the parliamentary groups; in particular, a divergent opinion shall be heard after a speech has been delivered by a member of the Federal Government or a person commissioned by it.

(2.) The first speaker in the debate on an item of business submitted by Members of the Bundestag should not belong to the same parliamentary group



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as the mover of the motion. The mover and the rapporteur may demand leave to speak before the beginning and after the end of the debate. The rapporteur shall have the right to speak at any time.

### **German Bundestag, Rule 35 – Speaking time**

(1.) The form and duration of a debate on a particular item of business shall be determined by the Bundestag on the proposal of the Council of Elders. If no agreement is reached in the Council of Elders in line with the first sentence, or if the Bundestag does not decide otherwise, no speaker may have the floor for more than fifteen minutes. Upon the demand of a parliamentary group, one of its speakers may take the floor for up to forty-five minutes. The President may extend these speaking times if the subject under debate or the progress of the debate make this appear appropriate.

(2.) If a member of the Federal Government or of the Bundesrat, or a person commissioned by them, speaks for more than twenty minutes, the parlia-

*mentary group wishing to present a divergent view may demand the same speaking time for one of its speakers.*

*(3.) If a Member of the Bundestag exceeds the speaking time allocated to him, the President shall, after warning him once, direct him to discontinue speaking.*

### **Legislation / Amendments / Interruptions / Motions**

The examination of legislative proposals is the core activity that all parliaments share. In general, the national constitution determines whether legislative proposals can be introduced by the government alone or whether individual members have the right to initiate legislation. In practice, whether or not individual members can propose legislation, most legislation tends to be initiated by the executive.

Most parliaments refer proposed legislation to a specialist parliamentary committee which will spend more time examining it in detail. Some parliaments have an urgency procedure to speed up proceedings if necessary, subject to safeguards.

The right to table amendments to government legislative proposals and to have the house vote on them is perhaps the single most important rule in parliamentary procedures. On the one hand, it is important to safeguard the pluralism of the demo-



Ukraine Parliament: a fight erupts over naval base

cratic process. On the other hand, an unrestricted right for every member to table an unlimited number of amendments and to have them voted on by the house would in practice enable members to abuse the system in order to block a bill they dislike. Parliaments have therefore carefully crafted rules in order to strike a balance between the right to table amendments, the right to have them voted on and the need for the Parliament as a whole to reach a conclusion within a reasonable period of time.

Some parliaments allow members to table amendments from the floor of the house, but to prevent this being used as a filibustering technique many allow the speaker to select the amendments to be put to the vote. This is relatively simple but never entirely without controversy. In parliaments where there is habitually a clear majority supporting the government, the speaker can select those amendments to be put to the vote where the outcome is genuinely uncertain.

In Parliaments where there is no clear majority, or where the majority is formed issue by issue, handling a large body of amendments can be problematic. A variety of techniques have been developed to cope with this situation. Parliaments may, for instance, limit the tabling of amendments on the floor of the house to a political group, a parliamentary committee or to a specified number of members.

The European Parliament is a particularly interesting example of how to deal with large volumes of amendments. Its Rules of Procedure initially allowed each MEP to table an unrestricted number from the floor of the plenary. However, Parliament's increasing responsibility in legislative matters, its expansion and considerable political pluralism (seven main political groups comprising several dozen national parties) have resulted in a mounting number of amendments for each piece of legislation (and indeed other items).

Over the years, the European Parliament has introduced the following measures:

- Installing an electronic voting system so members vote by pressing buttons. This system is used in many parliaments, but is still not the case in the UK House of Commons or the US Congress where instead members file out through different doors to cast their vote (a process which can take more than 20 minutes).
- Limiting the right to table amendments in plenary to the committee responsible, a political group or a group comprising at least 40 members (but in return allowing Members to table amendments at committee stage, even if they are not a member of the respective committee).
- Allowing the political groups or 40 members jointly to table a complete alternative motion for resolution instead of a series of amendments to the original text.
- Permitting a series of amendments to be voted on collectively. If a parliamentary committee has proposed amendments to a draft bill, these are taken en bloc unless a political group or 40 members requests a separate vote on one or more of the amendments. Similarly, where there are otherwise sequences of linked amendments these can be voted on as a whole.
- Allowing the President to put the original text or a particular amendment to the vote first if there is reason to believe that a majority for this position exists.
- Allowing compromise amendments to be tabled after the normal deadline for tabling amendments, where the compromise replaces two or more existing amendments.

- Voting on identical amendments as one.
- Where there are a large number of amendments, asking the relevant parliamentary committee to vote on them first as a form of filter. Any amendments that receive less than 1/10th of the votes will not be put to the vote in plenary.
- Allowing the President, exceptionally, to rule amendments out of order if he considers they have been tabled facetiously or simply to disrupt the proceedings of the house (e.g. dozens of near identical amendments).

The need for such rules will differ from one parliament to another and will depend on, amongst other things, traditions, parliament's size and whether its political culture tends towards consensus or conflict. Some parliaments may even require rules which are rarely if ever implemented but exist simply as a precautionary measure.

In this wide field, it is perhaps useful to examine examples of rules in various parliaments under several specific headings.

As regards the right (where it exists) for individual members to initiate legislative proposals:

The UK House of Commons provides:

23.– (1.) On Tuesdays and Wednesdays, and, if given by a Minister of the Crown, on Mondays and Thurs-

*days, notices of motions for leave to bring in bills, and for the nomination of select committees, may be set down for consideration at the commencement of public business. The Speaker, after permitting, if he thinks fit, a brief explanatory statement from the Member who makes and from a Member who opposes any such motion respectively, shall put either the question thereon, or the question, 'That the debate be now adjourned.'*

*(2.) With respect to a private Member's motion for leave to bring in a bill under this order –*

*(a) notice shall be given in the Public Bill Office by the Member in person or by another Member on his behalf, but on any one day not more than one notice shall be accepted from any one Member;*

*(b) no notice shall be given for a day on which a notice of motion under this order already stands on the paper;*

*(c) no notice shall be given for a day earlier than the fifth or later than the fifteenth sitting day after the day on which it is given;*

*(d) not more than one such notice shall stand on the paper in the name of any one Member for a day within any period of fifteen sitting days.*

*(3.) No notice may be given under this order for a day on which Mr Chancellor of the Exchequer has declared his intention of opening his Budget; but –*

*(i) notices proposed to be given for such day, and*

*(ii) notices so given for a day in respect of which such intention is subsequently declared, shall be treated as having been given for the first Monday on which the House shall sit after the Budget is opened, and*



may be proceeded with on that day as though it were a Tuesday or a Wednesday.

**Standing Orders of the Spanish Congress of Deputies, Section 126**

(1.) Private Members' bills in Congress may be adopted in the initiative of:

(1) a Member, with the signature of fourteen other members of the House;

(2) a parliamentary group with the sole signature of its spokesman.

(2.) Once the initiative has been exercised, the Bureau of the House shall order the publication of the bill and its reference to the Government, to enable the latter to express its opinion as to whether or not it should be taken into consideration, as well as its approval or otherwise as to its further examination if it entails an increase in budgeted appropriations or a reduction in the budgeted revenue.

(3.) If thirty days elapse without the Government having expressly refused to grant its assent to the consideration thereof, the bill may then be included in the agenda of the Plenum for its taking into consideration.

(4.) Before the debate is opened, the Government's position, if any, shall be read out. The debate shall be conducted according to the rules for debates on the whole text of a Bill.

(5.) The Speaker shall then ask whether or not the House will take the bill into consideration. If the reply is yes, the Bureau of the House shall resolve on the reference of the bill to the appropriate committee and the opening of the relevant period for



Jerzy Buzek, President of the European Parliament © EP

the tabling of amendments, but except in the case contemplated in Section 125, amendments to the whole bill recommending the return thereof shall not be admissible. The bill shall be dealt with in accordance with the procedure contemplated for Government bills, and its presentation to the full House shall be made by one of the proposers or by a member of the group exercising the initiative.

Regarding the right to table amendments to government bills:

**Standing Orders of the Spanish Congress of Deputies, Section 110**

(1.) After a bill has been published, Members and parliamentary groups shall be allowed a term of fifteen days in which to propose amendments thereto, in writing addressed to the bureau of the committee. (...).

(2.) Amendments may relate to the whole text of the bill or to certain sections.



Japanese Diet

(3.) Amendments to the whole bill shall be those questioning the timeliness, principles or spirit of the bill and calling for its return to the Government, or proposing a complete alternative text. Such amendments may only be submitted by parliamentary groups.

(4.) Amendments to sections may be for deletion, modification or addition. In the two latter cases, they must include the specific wording proposed. (...)

#### Section 111

(1.) Consideration of amendments to a bill entailing an increase in budgetary appropriations or a reduction in budgetary revenue shall require Government's authorization.

#### Section 117

Within forty-eight hours of conclusion of the report [of the parliamentary committee to which the bill was referred], parliamentary groups shall make known by notice addressed to the Speaker any

*dissenting opinions and amendments defended by them and voted upon in the committee, but not included in the report, if they intend to defend them again on the floor of the House.*

#### *Japanese Diet Law, Article 57.*

*(57.) A motion of measure amendment to be taken up in a plenary sitting must be supported by at least twenty Members in the House of Representatives, and at least ten in the House of Councillors. However, a motion of bill amendment which brings about an increase of the budget or which will require budgetary action must be supported by at least fifty Members in the House of Representatives, and at least twenty in the House of Councillors.*

As regards the right of the speaker/president to select amendments to be voted on:

The UK House of Commons gives absolute discretion to the Speaker:

32. – (1.) In respect of any motion or any bill under consideration on report or any Lords amendment to a bill, the Speaker shall have power to select the amendments, new clauses or new schedules to be proposed thereto.

(2.) In committee of the whole House, the Chairman of Ways and Means and either Deputy Chairman shall have the like power to select the amendments, new clauses or new schedules to be proposed.

(3.) The Speaker, or in a committee of the whole

House, the Chairman of Ways and Means or either Deputy Chairman, may, if he think fit, call upon any Member who has given notice of an amendment, new clause or new schedule to give such explanation of the object thereof as may enable him to form a judgment upon it.

(4.) For the purposes of this order, motions for instructions to committees on bills, motions to commit or re-commit bills and motions relating to the proceedings on bills shall be treated as if they were amendments under paragraph (1) of this order.

(5.) The powers conferred on the Speaker by this order shall not be exercised by the Deputy Speaker save during the consideration of the estimates.

The Spanish Congress gives its President discretion regarding the order and grouping of amendments:

**Standing Orders of the Spanish Congress of Deputies, Section 118 (2) and (3)**

(2.) The Speaker, after having consulted the Bureau and the Board of Spokesmen, may:

i) Arrange the debates and votes by sections or by subject-matters, groups of sections or amendments, where advisable on account of the complexity of the text, homogeneity or inter connection of aims of the amendments or for greater clarity in the political contrast of different positions.

ii) Fix in advance the maximum time for the debating of a bill, distributing it accordingly among the various speakers and proceeding, once the time has run out, to take any votes that may remain pending.

(3.) In the course of the debate the Speaker may admit amendments aimed at the correction of technical, terminological or grammatical errors or inaccuracies. Compromise amendments between those already tabled and the text of the report may only be admitted for consideration if no parliamentary group opposes the admission thereof and such admission entails withdrawal of the amendments to which the compromise refers.

The Cypriot House of Representatives provides for all amendments to be dealt with one by one, with very little discretion to the Speaker:

Rule 53. After the reading of the report there shall follow a debate in principle on the Bill or Private Bill followed by the reading, debate and voting on such Bill or Private Bill, taken clause by clause and as a whole.

Rule 54. Any amendment proposed by a Representative shall be deposited with the President, if possible before the clause by clause commencement of the debate on the Bill or Private Bill and with the permission of the President during such debate.

Rule 55. All amendments shall be submitted in writing to the President's Office and shall be distributed to all Representatives. An oral proposal for an amendment can only be made with the permission of the President.

*Rule 56. Amendments shall be debated and put to the vote before the main subject of the debate is voted upon, while sub-amendments shall be debated and put to the vote before amendments. The order in which amendments must be put to the vote is proposed by the President and in case of any objection the decision shall rest with the House.*

As regards the proceedings of the house, the rules usually provide for points of order and procedural motions. The two are quite distinct:

- Points of order enable any member to draw attention of the Presiding Officer to a breach of the rules or, at least, to question whether the Rules of Procedure are being correctly applied in a particular instance.
- Procedural motions refer to the right to call for the closure of a debate (to move to the next business), to refer a matter back to committee, to proceed to a vote, to postpone a debate or a vote, and such like.

Both points of order and procedural motions are interruptive – they allow individual members to intervene with such proposals in the middle of a debate or even a vote. The abuse of interruptive motions is a potential hazard to the smooth running of business. However, they are essential safeguards for minority opinions. Rules of Procedure normally

only enable the Presiding Officer to ignore them in cases of urgency and when it is clear that successive interruptive motions are being carried out with the deliberate aim of disrupting the proceedings of the House.

In this regard, it is instructive to look at Rule 20(1) of the European Parliament's Rules of Procedure, which states:

*The President shall direct all the activities of Parliament and its bodies under the conditions laid down in these Rules and shall enjoy all the powers necessary to preside over the proceedings of Parliament and to ensure that they are properly conducted.*

*Interpretation: This provision can be interpreted as meaning that the powers conferred by it include the power to call an end to the excessive use of motions such as points of order, procedural motions, explanations of vote and requests for separate, split or roll-call votes where the President is convinced that these are manifestly intended to cause and will result in a prolonged and serious obstruction of the procedures of the House or the rights of other Members.*

Apart from legislation, many parliaments may adopt general resolutions on policy matters or on specific issues. If such matters are not regulated by the constitution, then the rules of procedure generally lay down who is entitled to table a motion for resolu-

tion (an individual member or a political group or a specific number of members), whether and how it is placed on the agenda (at the discretion of the speaker, by a decision of the house or a proposal of the speaker/speaker's conference/group) or whether it is an automatic right if it is signed by a specified minimum number.

### *Standing Orders of the Spanish Congress of Deputies*

#### **Section 193**

*Parliamentary groups may put forward motions for Congress to pass resolutions of a non-legislative nature.*

#### **Section 194**

*(1.) Such motions shall be submitted in writing to the Bureau of Congress, which shall decide as to their admissibility, cause them to be published, where appropriate, and resolve upon their consideration on the floor of the House or in appropriate committee, depending upon the intention expressed by the proposing group and the importance of the matter.*

*(2.) After a motion has been published, amendments may be tabled by parliamentary groups up to six hours before the beginning of the sitting in which they are to be debated.*

*(3.) For the entry of motions on the agenda of a plenary sitting, the provisions of Section 182.2 hereof, relating to interpellations, shall be observed.*



The Spanish Congress of Deputies

#### **Section 182.2**

*Priority in the entry of interpellations in the agenda shall be given to those lodged by members of parliamentary groups or parliamentary groups themselves who, in the session in question, have not taken full advantage of the quota consisting of one interpellation for every ten members or fraction thereof belonging to a group. In addition to this criterion, the order in which interpellations were tabled shall also be considered. No agenda may contain more than one interpellation by the same parliamentary group.*

### **Conciliation**

Many Parliaments are bicameral, that is they have two houses which sometimes need to agree on an identical text before it becomes law. In such cases there is often a formal conciliation committee/conference, though informal negotiations can and do play a part.

When selecting a house's delegation to the conciliation committee, there are a number of models. In the German Federal Republic, the *Vermittlungsausschuss* is composed of 16 members of the Bundesrat (one per Land) and an equal number of senior members of the Bundestag who conduct all such negotiations and hence become well versed in the art of negotiation and compromise. Conversely, in the US Congress, House and Senate delegations to the "Conference committee" are composed afresh each time of members involved in the matter and who voted in favour of their respective house's position.

The European Parliament chose the middle ground of these two models. It provides for three of the members of the conciliation delegation to be permanent members drawn from the Vice Presidents of the House (who are experts in the process, procedures, precedents) while the remaining members



The US Congress

are drawn predominantly from the parliamentary committee that has dealt with the issue (and therefore experts on the subject matter). Normally this includes the chair of the responsible parliamentary committee and the member who acted as rapporteur on the subject. The total delegation must reflect the political balance and composition of the entire House and its political groups.

It is conceivable that these matters are not set out in the rules of procedure but rather follow established practice and custom. However, writing them into the rules of procedure generates more legal certainty and transparency for the wider public.

### **Simplified procedures**

Many parliaments have simplified procedures for consideration of technical/non controversial legislation.

One way to test whether legislation is controversial is at the committee stage. If the proposal is approved by consensus (or by a very high majority) in committee, it can then be fast-tracked through the plenary stage of proceedings.

The Italian Parliament provides for the definitive adoption by committee if there is a sufficient majority. In the European Parliament, texts adopted with fewer than 1/10th of committee members

voting against are taken in plenary without debate and without amendment, unless there is a special request for a debate or a vote, or both, from groups and individual members totalling at least 1/10th of the membership of the House.

One particular example of using simplified procedures is a case of codification of existing legislation. This occurs when a law has been amended many times and it is desirable, for the sake of clarity, to enact a consolidated or codified version. If this entails no change to the legal substance of the legislation concerned, a simplified procedure in parliament is warranted.

The French National Assembly's Simplified Procedure is as follows:

## CHAPTER V

### *Simplified examination procedure*

#### **Rule 103**

*(1.) The President of the Assembly, the Government, the chairman of the committee responsible or the chairman of a group may, in the Chairmen's Conference, ask that a Government or a Member's Bill be considered by simplified examination procedure. (...)*

*(3.) The simplified examination procedure shall be adopted if no objection is raised in the Chairmen's Conference.*

#### **Rule 104**

*(1.) A request that a Bill be considered by simplified*

*examination procedure shall be posted on the noticeboard, announced to the Assembly and notified to the Government. (...)*

*(3.) Not later than 5 p.m. on the day before the Bill is to be debated, the Government, the chairman of the committee responsible or the chairman of a group may object to its being considered by simplified examination procedure. (...)*

*(5.) In the event of an objection being raised, the text shall be examined in accordance with the provisions of Chapter IV hereof. (...)*

#### **Rule 106**

*(1.) Consideration of a Bill by simplified examination procedure shall be initiated by the rapporteur of the committee responsible, speaking for not more than ten minutes, followed by the rapporteur of any committee asked for an opinion, speaking for not more than five minutes each. There shall then be a general debate, during which a representative of each group may speak for not more than five minutes each.*

*(2.) After the general debate the President shall put the entire Bill considered by simplified examination procedure to vote if no amendments have been moved.*

*(3.) Where amendments have been moved to a Bill considered by simplified examination procedure, the President shall call only those clauses to which amendments have been moved. In addition to the Government, leave to speak on each amendment shall be given only to one of the movers, the*

chairman or rapporteur of the committee responsible and one speaker opposed. Paragraph 3 of Rule 56 and paragraph 2 of Rule 95 shall not apply.

(4.) Subject to the third paragraph of Article 44 of the Constitution, the President shall put to vote any amendments, the clauses to which they relate and the entire Bill.

The European Parliament's Rules are as follows:

**Rule 46: Simplified procedure (in committee)**

(1.) Following a first discussion of a proposal for a legislative act, the Chair may propose that it be approved without amendment. Unless at least one-tenth of the members of the committee object, the Chair shall present to Parliament a report approving the proposal. Rule 138(1), second subparagraph, (2) and (4) shall apply.

(2.) The Chair may alternatively propose that a set of amendments be drafted by the chair or by the rapporteur reflecting the committee's discussion. If the committee so agrees, these amendments shall be sent to the members of the committee. Unless at least one tenth of the members of the committee object within a set time limit, which may not be less than 21 days from the date of dispatch, the report shall be deemed to have been adopted by the committee. In this case the draft legislative resolution and the amendments shall be submitted to Parliament without debate pursuant to Rule 138(1), second subparagraph, (2) and (4).

(3.) If at least one tenth of the committee's members

object, the amendments shall be put to the vote at the next meeting of the committee.

(4.) The first and second sentences of paragraph 1, the first, second and third sentences of paragraph 2 and paragraph 3 shall apply, *mutatis mutandis*, to committee opinions within the meaning of Rule 49.

**Rule 138: Procedure in plenary without amendment and debate**

(1.) Any proposal for a legislative act (first reading) and any non-legislative motion for a resolution adopted in committee with fewer than one tenth of the members of the committee voting against shall be placed on the draft agenda of Parliament for vote without amendment.

The item shall then be subject to a single vote unless, before the drawing up of the final draft agenda, political groups or individual Members who together constitute one-tenth of the Members of Parliament have requested in writing that the item be open to amendment, in which case the President shall set a deadline for tabling amendments.

(2.) Items placed on the final draft agenda for vote without amendment shall also be without debate unless Parliament, when adopting its agenda at the start of a part-session, decides otherwise on a proposal from the Conference of Presidents or at the request of a political group or at least 40 Members.

(3.) When drawing up the final draft agenda for a part-session, the Conference of Presidents may propose that other items be taken without amendment or without debate. When adopting its agenda,



Parliament may not accept any such proposal if a political group or at least 40 Members have tabled their opposition in writing at least one hour before the opening of the part-session.

(4.) When an item is taken without debate, the rapporteur or the Chair of the committee responsible may make a statement lasting no more than two minutes immediately prior to the vote.

#### **Rule 139: Short presentation**

At the request of the rapporteur or on a proposal from the Conference of Presidents, Parliament may also decide that an item not needing a full debate will be dealt with by means of a short presentation in plenary by the rapporteur. In that event, the Commission shall have the opportunity to respond, followed by up to ten minutes of debate in which the President may give the floor, for up to one minute each, to Members who catch his eye

The Japanese Diet simply allows the committee decision to stand, unless challenged:

#### **Japanese Diet Law, Rule 56**

(.) A measure which the Committee has decided need not be brought before a plenary sitting, shall not be laid before the sitting. The measure must be brought to a plenary sitting, however, if this is demanded by twenty or more Members of the House within seven days, excluding the period of recess, from the day the Committee has made such a decision.

If no such demand is made in accordance with the

proviso of the preceding paragraph, the measure shall be dropped.

The provisions of the preceding two paragraphs shall not apply to a measure sent from the other House.

### **Scrutiny / Question time / Budget**

Where a country's constitution allows parliament to influence and amend in detail the annual budget, rules and practices for amendments are similar to those as described above for legislation.

It is common practice in legislatures to delegate implementing powers to the executive. This enables the government/executive to enact detailed provisions by its own decision. However, parliaments have traditionally wanted to at least keep an eye on such secondary legislation and have devised a number of procedures for doing so.

In the House of Commons, statutory instruments "lie on the table" for a certain number of days, allowing MPs to object to or to raise issues with the government. In the European Union, Commission implementing measures that are considered to be quasi-legislative can be blocked by the European Parliament by a majority of its members.

Not all national parliaments have such systems. The French National Assembly has no right of scrutiny or blocking powers over government regulations.

In Germany implementing or executive legislation often requires the consent of the Upper House (Bundesrat) while the Bundestag usually does not review implementing measures directly.

*Rule 189(1) of the Portuguese Assembly provides: Any ten Members may subscribe motions to consider executive laws with a view to causing them to cease to be in force or amending them. Such motions shall be submitted to the Bureau in writing within 30 days of the publication of the executive law in question, excluding periods in which the Assembly of the Republic's proceedings are adjourned.*

### Question Time

On the whole parliaments make provision for members of the government/executive to respond to parliamentary questions. These may be by



The Portuguese Assembly

written procedure with the written answer to be published by a specific deadline (e.g. three months). Generally, however, parliaments also have a public Question Time on the floor of the house, a tradition that originates in the British parliamentary system but is unusual in congresses in presidential systems.

Every member has the right to table questions, but parliaments largely allow some discretion for presiding officers to select the order in which they will be taken – for instance giving priority to party leaders at the beginning of Question Time.

The initial question is normally tabled a few days in advance in writing. This enables the minister/executive to become acquainted with the subject matter. However, Question Time in most parliaments allows an immediate follow up question from the original author and, possibly, supplementary questions from other members. These are an opportunity to catch a minister off guard or to spring an unexpected query upon him or her. Needless to say, those which require detailed research are not appropriate for such occasions, but politically incisive ones can enliven proceedings.

Question Time does not always possess the drama or cut-and-thrust of Prime Minister's Questions (PMQs) in the House of Commons. Quizzing a departmental minister on the detail of a particular policy area will be less spectacular, but it is nonetheless an important part of parliamentary scrutiny.

Rules of procedure normally limit the amount of time for a member to speak when asking a supplementary question – typically a minute or even half a minute in order to ensure that questions are concise and focused and to prevent Question Time simply turning into another debate. Strict enforcement of this rule by the presiding officer is essential.

As an example of rules for Question Time, let us look at the case of the Australian House of Representatives, which conducts a Question Time at 14.00 every day, suspending all other business while it does so:

#### **Australian House of Representatives Standing Order 98 – Questions to Ministers**

*(a) A Member may ask a question in writing of a Minister (but not a Parliamentary Secretary), to be placed on the Notice Paper for written reply.*

*(b) During Question Time, a Member may orally ask a question of a Minister (but not a Parliamentary Secretary–), without notice and for immediate response.*

*(c) A Minister can only be questioned on the following matters, for which he or she is responsible or officially connected:*

*(i) public affairs;*

*(ii) administration; or*

*(iii) proceedings pending in the House.*

*(d) Questioners must not ask Ministers:*

*(i) for an expression of opinion, including a legal opinion; or*

*(ii) to announce government policy, but may seek an explanation about the policy and its application, and may ask the Prime Minister whether a Minister's statement in the House represents government policy.*

#### **Standing Order 100 – Rules for questions**

*The following general rules apply to all questions:*

*(a) Questions must not be debated.*

*(b) A question fully answered must not be asked again.*

*(c) For questions regarding persons:*

*(i) questions must not reflect on or be critical of the character or conduct of a Member, a Senator, the Queen, the Governor-General, a State Governor, or a member of the judiciary: their conduct may only be challenged on a substantive motion; and*

*(ii) questions critical of the character or conduct of other persons must be in writing.*

*(d) Questions must not contain:*

*(i) statements of facts or names of persons, unless they can be authenticated and are strictly necessary to make the question intelligible;*

*(ii) arguments;*

*(iii) inferences;*

*(iv) imputations;*

*(v) insults;*

*(vi) ironical expressions; or*

*(vii) hypothetical matter.*

*(e) Questions must not refer to debates in the current session, or to proceedings of a committee not reported to the House.*

**Standing Order 101 – Speaker’s discretion about questions**

**The Speaker may:**

(a) direct a Member to change the language of a question asked during Question Time if the language is inappropriate or does not otherwise conform with the standing orders;

(b) allow supplementary questions to be asked to clarify an answer to a question asked during Question Time; and

(c) change the language of a question in writing if the language is inappropriate or does not otherwise conform with the standing orders.

Besides Question Time on the floor of the house, many parliaments allow members to table written questions which in turn receive written answers by the executive. Rules of procedure generally lay down a deadline for reply (if this is not already contained in the country’s constitution), and some internal guidelines such as the length of a question, its interrogative nature (they must not be statements) and such like.

**Rule 105 of the Australian House of Representatives states:**

(a) A Minister’s written reply to a question must be delivered to the Clerk. The Clerk shall provide a copy of the reply to the Member who asked the question, and the question and reply shall be published in Hansard.

(b) If a reply has not been received 60 days after a

question first appeared on the Notice Paper, the Member who asked the question may, at the conclusion of Question Time, ask the Speaker to write to the Minister concerned, seeking reasons for the delay in answering.

By contrast, the Japanese Diet allows only written questions addressed to the government as a whole and has no Question Time on the floor of the house. Its rules specify:

**Article 74.** When a Member of a House desires to put a question to the Cabinet, he is required to obtain the approval of the presiding officer of the House. The question must be presented to the presiding officer as a concise statement in written form. If a Member raises an objection regarding a question of his to which the presiding officer has not given approval, the presiding officer must put the case to a vote of the House without debate. When it is demanded by a Member, the presiding officer shall record in the minutes of the House a statement of the question to which he or the House has not given approval.

**Article 75.** The presiding officer of a House shall transmit to the Cabinet statements of questions which he or the House has approved. The Cabinet must answer a question within seven days from the day of receipt of the concise statement. If an answer cannot be made within the period, the Cabinet is required to state clearly the reason, and the time by which an answer can be given.

The Rules of the French National Assembly are as follows:

**Rule 139**

(1.) Questions for written answer shall be asked of a minister by a deputy; questions relating to the general policy of the Government shall be asked of the Prime Minister.

(2.) Questions for written answer shall be drafted briefly and shall confine themselves to what is strictly essential to an understanding of what is being asked. They shall contain no personal allegation against other named persons.

(3.) Any deputy wishing to table a question for written answer shall convey it to the President of the Assembly, who shall notify the Government.

(4.) Questions for written answer shall be published, whether Parliament is in session or not, in the Journal officiel.



(5.) A minister's answer shall be published within one month of the question's being published. This time limit shall not be interrupted.

(6.) However, ministers may, within this time limit, state in writing that it is not in the public interest for them to answer, or, by way of exception, ask for additional time of up to one month in which to assemble the material needed for an answer.

# Political Groups



National Council of the Slovak Republic

## Parliamentary groups

Parliaments by and large make provision in their rules of procedure for their members to constitute political groups. These usually coincide with the political parties outside parliament and on whose platform members were elected.

Within parliament, group leaders or spokespersons usually take a prominent part in debates, speaking on behalf of their members and challenging the views of other groups. They are an essential part of visible political pluralism. Even parliaments that make no formal provision for groups, such as the UK House of Commons, allow, in practice, a spokesperson for political parties to take the floor in order to bring balance to debates.

In general parliaments also provide political groups with various resources: staff, offices and a budget

for their own activities and publications. These sums are usually limited and are for parliamentary activity, perhaps in its widest sense (e.g. to conduct research, organise conferences and seminars, publish information about the group and its parliamentary activities) but not to finance political parties per se.

If a parliament chooses to make provision for groups in its rules of procedure, it must give consideration to a number of issues:

- Procedural privileges and groups. Typically these will include:
  - The right to table amendments and motions for resolution
  - The right to place items on parliament's agenda
  - Possibly a proportional share of key positions in parliament such as places on parliamentary committees and other bodies, committee chairmanships or a role in the management bodies of the parliament.
- The question of minimum size to constitute a political group. Given the privileges accorded to groups, a certain degree of representativeness is necessary. Approaches to this vary widely from one country to another (see ANNEX ONE).
- Resources and groups:
  - The right to have its own advisory staff
  - The right to recruit such staff independently

- The right to its own budget, for instance for publications and press work.

Here follow some examples of rules concerning groups or their equivalents:

### ***Rules of Procedure of the French National Assembly***

#### *CHAPTER V – Groups*

*(1.) Deputies may form themselves into groups according to their political affinities; the minimum number of members required to form a group shall be twenty, not including deputies associating themselves with a group in manner provided by paragraph 4.*

*(2.) A group shall be formed by transmitting to the President's office a political statement signed by its members, accompanied by a list of members and associate members and the name of its chairman. These documents shall be published in the Journal officiel.*

*(3.) A deputy shall not belong to more than one group.*

*(4.) Deputies who do not belong to any group may associate themselves with a group of their choosing, with the consent of the bureau of the group. Associate members shall count towards the calculation of the number of committee seats allocated to groups by Rules 33 and 37.*

#### **Rule 20**

*Any group formed in accordance with Rule 19 may*

*be serviced by an administrative secretariat to be recruited and remunerated as determined by the group itself; the rules governing such secretariats, their accommodation and equipment and the rights of access for their staff to the precincts of the Assembly shall be determined by the Bureau of the Assembly on a proposal made by the Quaestors and the chairmen of groups.*

#### **Rule 21**

*Changes in the composition of a group shall be communicated to the President of the Assembly over the signature of the deputy concerned in the case of resignation, over that of the chairman of the group in the case of expulsion and over the signatures both of the deputy concerned and of the chairman of the group in the case of a deputy joining or associating himself with a group. Changes shall be published in the Journal officiel.*

#### **Rule 22**

*Once groups have been formed, the President of the Assembly shall call a meeting of their representatives to divide the floor of the chamber into as many sections as there are groups, and to determine where non-attached deputies are to sit in relation to the groups.*

#### **Rule 23**

*(1.) No group which binds its members shall be formed in the National Assembly, either as provided by Rule 19 or in any other form or under any*

other description whatever, for the purpose of representing private, local or occupational interests.

(2.) Nor shall any permanent association, of whatever description, whose purpose is to represent such interests be allowed to meet in the precincts of the Assembly.

#### **European Parliament, Rule 30 – Formation of political groups**

(1.) Members may form themselves into groups according to their political affinities.

Parliament need not normally evaluate the political affinity of members of a group. In forming a group together under this Rule, the Members concerned accept by definition that they have political affinity. Only when this is denied by the Members concerned is it necessary for Parliament to evaluate whether the group has been constituted in accordance with the Rules.

(2.) A political group shall comprise Members elected in at least one-quarter of the Member States. The minimum number of Members required to form a political group shall be 25.

(3.) If a group falls below the required threshold, the President, with the agreement of the Conference of Presidents, may allow it to continue to exist until Parliament's next constitutive sitting, provided the following conditions are met:

- the members continue to represent at least one-fifth of the Member States;
- the group has been in existence for a period longer than a year.

The President shall not apply this derogation where

there is sufficient evidence to suspect that it is being abused.

(4.) A Member may not belong to more than one political group.

(5.) The President shall be notified in a statement when a political group is set up. This statement shall specify the name of the group and the names of its members and bureau members.

(6.) The statement shall be published in the Official Journal of the European Union.

#### **Rule 31 – Activities and legal situation of the political groups**

(1.) The political groups shall carry out their duties as part of the activities of the Union, including the tasks allocated to them by these Rules of Procedure. The political groups shall be provided with a secretariat on the basis of the establishment plan of the Secretariat, with administrative facilities and with the appropriations entered for that purpose in Parliament's budget.

(2.) The Bureau shall lay down the rules relating to the provision, implementation and monitoring of those facilities and appropriations, as well as to the related delegations of budget implementation powers.

(3.) Those rules shall determine the administrative and financial consequences in the event of the dissolution of a political group.

#### **German Bundestag, Rule 10**

(1.) The parliamentary groups shall be associations of not less than five per cent of the Members



of the Bundestag, and their members shall belong to the same party or to parties which, on account of similar political aims, do not compete with each other in any Land. Where Members of the Bundestag form such an association on grounds other than those set out in the first sentence of this paragraph, its recognition as a parliamentary group shall require the consent of the Bundestag.

(2.) The formation of a parliamentary group, its designation, and the names of the chairpersons, members and guests shall be communicated to the President in writing

#### **Rule 12**

The composition of the Council of Elders and of the committees as well as the appointment of the chairpersons of the various committees shall be in proportion to the strengths of the parliamentary groups. The same principle shall apply to elections to be held by the Bundestag.

#### **Italian Chamber of Deputies, Rule 14**

(1.) A minimum of twenty deputies shall be required to establish a Parliamentary Group.

(2.) The Bureau may authorise the establishment of a Group with less than twenty members provided that it represents a nationally organised party that has presented its own list of candidates, under the same emblem and in at least twenty constituencies, and has obtained at least one quotient in one constituency and national electoral returns of at least three hundred thousand valid list votes.



**President of the Italian Chamber of Deputies addressing the Parliamentary Meeting**

(3.) Within two days of the first sitting, the deputies must declare to the Secretary General of the Chamber the Group to which they belong. (...)

#### **Rule 15**

(1.) Within four days of the first sitting, the President of the Chamber shall convene, simultaneously but separately, the deputies belonging to each Parliamentary Group and those to be enlisted in the Mixed Group.

(2.) At its first meeting each Group shall appoint a Chairperson, one or more Vice-Chairpersons and an executive committee. From within these bodies the Group shall appoint the deputy or deputies, numbering three at most, to whom to entrust, in cases where the Chairperson is absent or unable to discharge his or her duties, the exercise of the powers attributed to the Chairperson by the Rules. The President of the Chamber shall be informed of the composition of these bodies, and of any subsequent changes to them.



The Dutch Senate

(3) The President of the Chamber shall ensure that premises and equipment are made available to enable the Parliamentary Groups to carry out their functions and shall allocate funds to them, charged to the Chamber budget, taking into account the basic requirements common to all Groups and the numerical size of the Groups themselves. (...).

**According to the Rules of the French National Assembly:**

**Rule 17** – The Bureau shall lay down rules to govern the organization and operation of departments of the Assembly, the application, interpretation and implementation, by the several departments, of the provisions of these Rules, staff regulations and relations between the administration of the Assembly and staff associations.

**Rule 18** – The departments of the National Assembly shall be staffed exclusively by persons appointed in manner provided by the Bureau. Accordingly, the departments shall not employ on a permanent basis

any official on the staff of a government department outside the Assembly, except civilian and military personnel made available by the Government to the National Defence and Armed Forces Committee or to the Finance, General Economy and Planning Committee.

**European Parliament, Rule 207, Secretariat**

(1.) Parliament shall be assisted by a Secretary-General appointed by the Bureau.

The Secretary-General shall give a solemn undertaking before the Bureau to perform his duties conscientiously and with absolute impartiality.

(2.) The Secretary-General shall head a Secretariat the composition and organisation of which shall be determined by the Bureau.

(3.) The Bureau shall decide on the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants.

**US House of Representatives, Rule II**

(1.) There shall be elected at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, a Sergeant-at-Arms, a Chief Administrative Officer, and a Chaplain. Each of these officers shall take an oath to support the Constitution of the United States, and for the true and faithful exercise of the duties of the office to the best of the knowledge and ability of the officer, and to keep the secrets of the House. Each of these officers shall appoint all of the employees of the department concerned provided for by law.

*The Clerk, Sergeant-at-Arms, and Chief Administrative Officer may be removed by the House or by the Speaker.*

### **All party groups**

Parliaments generally have informal all-party groups concerned with a particular subject (e.g. animal welfare, “Friends of Antarctica”, disability). These are not necessarily regulated in the rules of procedure, as they may be purely informal. The European Parliament has chosen to put a reference to these so-called “intergroups” in its Rules, if only to emphasise that they are not formal bodies of the Parliament and cannot speak in its name.

### **Rule 32 – Intergroups**

*(1.) Individual Members may form Intergroups or other unofficial groupings of Members, to hold informal exchanges of views on specific issues across different political groups, drawing on members of different parliamentary committees, and to promote contact between Members and civil society.*

*(2.) Such groupings may not engage in any activities which might result in confusion with the official activities of Parliament or of its bodies. Provided that the conditions laid down in the rules governing their establishment adopted by the Bureau are met, political groups may facilitate their activities by providing them with logistical support. Such groupings shall declare any external support in accordance with Annex I.*

# Committees

## Standing Committees

Almost all parliaments make use of parliamentary committees, although the structure of committee systems and their relative strength vary enormously. The United States Congress, for instance, has a long-standing tradition of powerful committees. The UK House of Commons, on the other hand, refers the consideration of government bills usually to ad hoc committees for each bill (generically referred to as Public Bill Committees, each named after the bill it considers). In addition there are Select Committees for parliamentary scrutiny of the activities of the different government ministries.

Committees can be used both for detailed scrutiny of proposed legislation, ahead of the consideration of the parliament as a whole, and for oversight of executive functions of the government, with committees often corresponding to different government departments/ministries. The same committees can, of course, serve both functions.

It is usually a matter for each parliament to decide, through its rules of procedure, on its committee system. However, in France, the constitution lists and limits the number of committees in the National Assembly. The Assembly managed to circumvent this constraint by creating, for instance, a “Delegation” for European affairs instead of a “Committee”, while performing functions similar to those of a parliamentary committee.

National constitutions may provide for a parliament to set up a committee of inquiry. Even when it does not, a parliament may make such a provision in its rules of procedure. For example, the European Parliament established committees of inquiry long before these were provided for in the European treaties. Such committees are normally smaller, time-limited and focus on a very specific issue or investigation, notably to investigate a malpractice. However, they, or special temporary committees, can also be established to investigate a new or complex policy area.

Most parliaments ensure that the composition of parliamentary committees reflects the political balance of the parliament as a whole. Where there is a political group system, each political group may nominate a certain number of members in proportion to their size in the parliament overall. Parliaments without formalised group systems, notably the US Congress and the UK House of Commons, ensure that there is a majority/opposition or at least a majority/minority on the committee that reflects the majorities in the house as a whole.

### *Italian Chamber of Deputies, Rules of Procedure, Chapter V: Standing Committees*

#### *Rule 19*

*(1.) Upon being established, each Parliamentary Group shall appoint its members to the Standing Committees, assigning them in equal numbers to each Committee and immediately notifying the*

*Secretary General of the Chamber.*

*(2.) On the basis of proposals put forward by the Groups, the President of the Chamber shall then distribute among the Committees those deputies not assigned as described in the previous paragraph, as well as those belonging to Groups with fewer members than there are Committees. This shall be done in such a way that the proportions of the Groups are reflected within the Committees.*

*(3.) No deputy may be appointed to more than one Committee. Each Group shall, however, substitute its own deputies who are members of the Government in power with others, belonging to a different Committee. Furthermore, every Group may, for a specific bill, substitute a member with one from another Committee, provided the Chairperson of the Committee has been notified.*

*(4.) A deputy who cannot attend a meeting of his or her Committee may be substituted, for the entire sitting, by another member of his Group who is a member of another Committee or of the Government in power. The deputy concerned or, failing that, his or her Group shall give prior notice of the substitution to the Chairperson of the Committee.*

*(5.) The Chairperson shall inform the Committee of substitutions made as set out in the preceding paragraphs.*

*(6.) In the case of Committees acting in an advisory capacity, substitution shall not under any circumstances be permitted for deputies belonging to the Committee for which the opinion is intended.*

*(7.) Deputies belonging to the same Group may,*

*not more than once each in any one year, ask the Chair of their Group for permission to substitute for each other in their respective Committees. If the Chair of the Group agrees, he or she shall notify the President of the Chamber, who shall inform the Chairpersons of the respective Committees of the changes made.*

#### **Rule 20**

*(1.) The President of the Chamber shall convene each Committee for the purpose of its establishment, which takes place by electing a Bureau composed of a Chairperson, two Vice-Chairpersons and two Secretaries.*

*(2.) If no one receives an absolute majority of the votes in the election for the Chairperson, a second ballot shall be held between the two candidates who received the highest number of votes. In the case of a tie the senior deputy or, where the deputies have equal seniority, the oldest by age, shall be added to the ballot or declared elected.*

*(3.) To appoint the two Vice-Chairpersons and the two Secretaries respectively, each member of the Committee shall write one name only on his or her ballot paper. Those receiving the highest number of votes shall be considered elected; in the case of a tie the procedure in paragraph 2 shall be followed.*

*(4.) The same provisions shall apply for supplementary elections.*

*(5.) Standing Committees shall be renewed every two years from the date of their establishment and their members may be confirmed.*

### **Rule 21**

*(1.) The Chairperson of the Committee shall represent the Committee; convene its meetings and draw up the agenda; chair its meetings; convene the Bureau; and may convene, when he or she deems it opportune or on request, the representatives appointed by the Groups.*

*(2.) The Vice-Chairpersons shall substitute for the Chairperson in cases where he or she is absent or unable to discharge his or her duties. The Secretaries shall verify the results of votes and oversee the drafting of the minutes of proceedings.*

### **Rule 22**

*1. The Committees shall have responsibility for the following subjects respectively:*

*I - Constitutional, Presidency of the Council of Ministers and Interior Affairs;*

*II - Justice;*

*III - Foreign and European Community Affairs;*

*IV - Defence;*

*V - Budget, Treasury and Planning;*

*VI - Finance;*

*VII - Culture, Science and Education;*

*VIII - Environment, Territory and Public Works;*

*IX - Transport, Post and Telecommunications;*

*X - Economic Activities, Trade and Tourism;*

*XI - Public and Private Sector Employment;*

*XII - Social Affairs;*

*XIII - Agriculture;*

*XIV - European Union Policies.*

*1-bis. The President of the Chamber shall further*

*define the areas of responsibility of each of the Standing Committees.*

*(2.) The Chamber may at any time set up Special Committees, composed in such a way as to reflect the proportions of the Groups.*

*(3.) The Committees shall meet in a reporting capacity to consider those questions on which they must report to the House; in an advisory capacity to express opinions; in a legislating capacity to consider and approve bills; and in a drafting capacity in accordance with Rule 96. They shall also meet to hear and discuss communications from the Government, and to exercise their policy-setting, scrutiny and fact-finding functions in accordance with the provisions of Part III of these Rules.*

*(4.) The Committees may establish permanent Sub-Committees to consider issues falling within their jurisdiction. The reports of each Sub-Committee shall be distributed to all members of the Committee and mention shall be made of these in the agenda of the following meeting. Each member of the Committee may request, no later than the second sitting following distribution, that the reports be submitted to the full Committee for discussion.*

## Petitions

Some parliaments provide for the formal right of citizens to petition parliament and several have a dedicated committee on petitions to consider and respond to them. In practice, many petitions are simply to urge parliament or government to pursue a particular course of action or are complaints about government action or inaction. Some parliaments allow their petitions committee to draw up reports on issues of its choice and its response to such petitions.



Palace of the Parliament, Romania

### *Rules 183-187 of the Chamber of Deputies of Romania:*

**Article 183** – (1.) *Anyone shall be entitled to address the Chamber of Deputies with petitions.*

(2.) *The petition shall be submitted in writing and signed, stating the petitioner's or one of the petitioners' address.*

**Article 184** – *The petitions shall be recorded in a register, in the order of their receipt, stating the registration number, the full name and address of the petitioner, and the subject of the request. The electronic form of the register shall be posted on the web site of the Chamber of Deputies.*

**Article 185** – (1.) *The registered petitions shall be referred to the Committee for the Investigation of Abuses, Corruption and for Petitions, and to other Standing Committees, for debate and solving.*

(2.) *Any Member of the Chamber may become acquainted with the content of a petition, by*

*addressing the President of the notified Committee to that effect.*

**Article 186** – (1.) *The notified Committee shall decide, within ten days, on whether to send the petition to a competent public authority or classify it.*

(2.) *The solution adopted shall be brought to the petitioner's knowledge.*

**Article 187** – (1.) *The Committee for the Investigation of Abuse, Corruption and for Petitions shall present to the Standing Bureau, every six months, and to the Chamber, at the beginning of each session, a report on the petitions received and on their solutions.*

(2.) *The report shall mention the solutions found by the public authorities to the petitions referred to them for solving.*

(3.) *The public authorities that have received petitions to solve shall be under obligation to send the solutions adopted to the Committee, within one month of the receipt of the petition.*

## Various

All parliaments have a secretariat or an administration, however small. Most provide in their rules of procedure for the political neutrality of the secretariat and its independence from the political parties and members. Appointments to the secretariat and decisions on its structure are reserved, in most cases, to the president/speaker or to a wider body (bureau or speakers conference). Some examples include:

### *The French National Assembly:*

*Rule 17 – The Bureau shall lay down rules to govern the organization and operation of departments of the Assembly, the application, interpretation and implementation, by the several departments, of the provisions of these Rules, staff regulations and relations between the administration of the Assembly and staff associations.*

*Rule 18 – The departments of the National Assembly shall be staffed exclusively by persons appointed in manner provided by the Bureau. Accordingly, the departments shall not employ on a permanent basis any official on the staff of a government department outside the Assembly, except civilian and military personnel made available by the Government to the National Defence and Armed Forces Committee or to the Finance, General Economy and Planning Committee.*

### *European Parliament, Rule 207: Secretariat*

*(1.) Parliament shall be assisted by a Secretary-*

*General appointed by the Bureau.*

*The Secretary-General shall give a solemn undertaking before the Bureau to perform his duties conscientiously and with absolute impartiality.*

*(2.) The Secretary-General shall head a Secretariat the composition and organisation of which shall be determined by the Bureau.*

*(3.) The Bureau shall decide on the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants.*

### *US House of Representatives, Rule II*

*(1.) There shall be elected at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, a Sergeant-at-Arms, a Chief Administrative Officer, and a Chaplain. Each of these officers shall take an oath to support the Constitution of the United States, and for the true and faithful exercise of the duties of the office to the best of the knowledge and ability of the officer, and to keep the secrets of the House. Each of these officers shall appoint all of the employees of the department concerned provided for by law. The Clerk, Sergeant-at-Arms, and Chief Administrative Officer may be removed by the House or by the Speaker.*

However, decisions on the budgetary allocation for the secretariat may be a shared responsibility involving the budget committee of the parliament concerned and may also be subject to the final vote



of adoption of the state budget by the parliament. Only a few parliaments are multilingual: India, Switzerland, Canada, Belgium, certain African parliaments and, of course, the European Parliament, are notable examples. In these parliaments, the rules of procedure must be very clear about what is required and what members are entitled to in terms of translation of documents and interpretation at meetings.

One final point worth mentioning is the clarity of drafting parliamentary rules of procedures. Clarity is not necessarily easy to achieve in legal documents, some of which have undergone centuries of amendment, as the following example illustrates:

*Standing Order 14, paragraph 8 of the House of Commons*

*A private Member's bill to which the provisions of paragraphs (2) to (6) of Standing Order No. 97 (Scottish Grand Committee (bills in relation to their principle)) have applied, and which has been con-*

*sidered by a Scottish public bill committee, shall not be set down for consideration on report so as to have precedence over any private Member's bill so set down which was read a second time on a day preceding that on which the bill was reported from the Scottish Grand Committee under paragraph (3) of that Standing Order.*

However, it is in the interests of both members and the public alike to have procedures that are clear, understandable and easy to cross-reference.

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Ancient traditions are something that many parliaments would wish to preserve. But House of Commons Standing Orders referring to "a motion for a humble address to Her Majesty ..." do not necessarily convey clearly to the public that, in practice, it is the House that decides, not the unelected Head of State.

# Appendices

## Political group constitution

**Minimum number of members to constitute a political group** – Examples from EU Member States.

Country		Total number of Members in Parliament / Chamber	Minimum number of Members for political group	% of total
Austria	Nationalrat	183	5	2,7 %
	Bundesrat	62	5	8,1 %
Belgium	La Chambre	150	5	3,3 %
	Le Sénat	71	2	2,8 %
Bulgaria		239	10	4,2 %
Cyprus		currently <i>de facto</i> 56	7 (out of 56)	12 %
Czech Republic	Chamber of Deputies	200	10 <sup>2</sup>	5 %
	Senate	81	5	6,2 %
Denmark		179	4 <sup>3</sup>	2,2 %
Estonia		101	5	5 %
Finland		200	n/r	n/r
France	Assemblée	577	20	3,5 %
	Sénat	331	15	4,5 %
Germany		598 (plus potential overhang mandates) <i>16th German Bundestag: 614</i>	30 plus x <i>16th German Bundestag: 31</i>	5 %
Greece		300	10	3,3 %
Hungary		386	15	3,9 %
Ireland		166	7	4,2 %

2. This figure applies to the constitution of a new group during the Parliamentary term. After elections a lower threshold of 3 members applies (1.5%).

3. There is no threshold in the Rules of Procedure but groups of fewer than 4 members would obtain less financial support. Since no party having obtained less than 2% of the vote will have seats in the Folketing there is a practical limit of 4 members in most cases.

Country		Total number of Members in Parliament / Chamber	Minimum number of Members for political group	% of total
Italy	Camera dei Deputati	630	20	3,2 %
	Senato	315 <sup>4</sup>	10	3,2 %
Latvia		100	5	5 %
Lithuania		141	7	5 %
Luxembourg		60	5	8,3 %
Malta			n/r	n/r
Netherlands	House of representatives	150	1	0,7 %
	Senate	75	1	1,3 %
Poland	Sejm	460	15 <sup>5</sup>	3,3 %
	Senat	100	7	7 %
Portugal		230	2	0,9 %
Romania	Chamber of of Deputies	332	10	3 %
	Senat	137	7	5,1 %
Slovakia		150	8	5,3 %
Slovenia		90	3	3,3 %
Spain	Congreso	350	15 <sup>6</sup>	4,3 %
	Senado	259	10	3,9 %
Sweden		349	14 <sup>7</sup>	4 %
United Kingdom		646	n/r	n/r

n/r = not relevant

4. The Italian Senate is composed of 315 elected Senators, but some Senators may be appointed for life by the President of the Republic. The total number of Senators is hence greater than 315 and varies over time.
5. In the Polish houses a distinction is made between "clubs" and "groups". The establishment of groups is possible with a minimum of 3 members (representing 0.65% in the Sejm, 3% in the Senate).
6. A lower threshold of 5 members (1.42%) is applied for parties having obtained either 15% of the vote in the region/constituencies where they presented candidates, or 5% of the nationwide caucus/party coalition of which they were part.
7. In theory, 1, if a political party gets more than 12% of votes in one constituency. This has never happened in Swedish elections. The threshold is 4% of votes in the whole country, which equates to about 14 seats.

# Rules on the Web

**European Parliament** <http://www.europarl.europa.eu>

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## EU MEMBER STATES

**Austria** Nationalrat  
Bundesrat  
<http://www.parlament.gv.at>

**Belgium** Chambre des Représentants/  
Kamer van Volksvertegen-  
woordigers  
<http://www.lachambre.be> or  
<http://www.dekamer.be>  
Sénat/Senaat  
<http://senate.be>

**Bulgaria** National Assembly  
<http://parliament.bg>

**Cyprus** House of Representatives  
<http://www.parliament.cy>

**Czech Republic** Chamber of Deputies  
<http://www.psp.cz>  
Senát  
<http://senat.cz>

**Denmark** Folketinget  
<http://folketinget.dk>

**Estonia** Riigikogu  
<http://www.riigikogu.ee>

**Finland** Eduskunta  
<http://eduskunta.fi>

**France** Assemblée Nationale  
<http://www.assemblee-nationale.fr>  
Sénat  
<http://www.senat.fr>

**Germany** Bundestag  
<http://www.bundestag.de/>  
Bundesrat  
<http://www.bundesrat.de>

**Greece** Vouli ton Ellinon  
<http://www.parliament.gr>

**Hungary** National Assembly/  
Országgyűlés  
<http://www.mkogy.hu>

**Ireland** Houses of the Oireachtas  
<http://www.oireachtas.ie>

**Italy** Camera dei Deputati  
<http://www.camera.it>  
Senato della Repubblica  
<http://www.senato.it>

**Latvia** Latvijas Republikas Saeima  
<http://www.saeima.lv>

**Lithuania** Seimas  
<http://www3.lrs.lt>

**Luxembourg** Chambre des Députés  
<http://www.chd.lu>

**Malta** House of Representatives  
<http://www.parliament.magnet.mt>

**Netherlands** Eerste Kamer der Staten-Generaal  
<http://eerstekamer.nl>  
 Tweede Kamer der Staten-Generaal  
<http://www.parlement.nl>

**Poland** Sejm  
<http://sejm.gov.pl>  
 Senate  
<http://www.senat.gov.pl>

**Portugal** Assembleia da República  
<http://www.parlamento.pt>

**Romania** Camera Deputatilor  
<http://www.cdep.ro>  
 Senat  
<http://www.senat.ro>

**Slovak Republic** National Council  
<http://www.nrsr.sk>

**Slovenia** Državni zbor (National Assembly)  
<http://www.dz-rs.si>  
 Državni svet (National Council)  
<http://www.sigov.si>

**Spain** Congreso de los Diputados  
<http://www.congreso.es>  
 Senado  
<http://www.senado.es>

**Sweden** Riksdag  
<http://www.riksdagen.se>

**UK** House of Commons  
<http://www.parliament.uk>  
 House of Lords  
<http://www.parliament.uk>

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**SELECTED OTHER COUNTRIES**

**Argentina** Cámara de Diputados  
<http://www.congreso.gov.ar/>  
 Senado  
<http://www.senado.gov.ar/>

**Australia** House of Representatives  
<http://www.aph.gov.au>  
Senate  
<http://www.aph.gov.au/senate>

**Canada** House of Commons  
<http://www.parl.gc.ca/>  
Senate  
<http://www.parl.gc.ca/>

**India** Lok Sabha (The House of the People)  
<http://loksabha.nic.in/>  
Rajya Sabha (The Council of States)  
<http://rajyasabha.nic.in/rsnew/rsweb.asp>

**Japan** House of Representatives  
[http://www.shugiin.go.jp/index.nsf/html/index\\_e.htm](http://www.shugiin.go.jp/index.nsf/html/index_e.htm)  
House of Councillors (The National Diet of Japan)  
<http://www.sangiin.go.jp/eng/index.htm>

**Turkey** Grand National Assembly  
<http://www.tbmm.gov.tr/>

**United States** House of Representatives  
<http://www.house.gov>  
Senate  
<http://www.senate.gov>  
Comparison of House & Senate Rules  
<http://lieberman.senate.gov/documents/crs/rulesofprocedure.pdf>

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**Inter-Parliamentary Union**  
<http://www.ipu.org>

# Notes

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