



Mpumalanga Provincial Legislature

Amendment of the Mpumalanga Provincial Legislature Rules and Orders, 2013 ("the Rules")

Internal arrangements to address disruptions during proceedings of the Mpumalanga Provincial Legislature ("the Legislature").

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

Definitions

(a) Rule 1 (Definitions) to be amended by —

(i) the insertion of the definition of "Legislature Protection Services", after the definition of "Legislature":

"Legislature Protection Services" means any person authorised by the Legislature to perform security and protection services within the precincts of the Legislature, and includes all Legislature staff members employed, appointed, assigned, delegated or contracted by the Legislature to perform security and protection functions within the precincts of the Legislature.

(ii) The insertion of the definition of **"security services"** after the definition of **"section 77 Bill"**:

“security services” means the security services referred to in section 199 of the Constitution;

- (iii) the substitution for the definition of “precincts of the Legislature” of the following definition:

“Precincts of the Legislature” means the precincts as described in section 2 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (Act 4 of 2004).

(b) Rule 40A is hereby inserted after Rule 40 of the Rules:

40A. Removal of member from Chamber

- (1) If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Rule 40, the presiding officer must in terms of rule 24(2) instruct the Sergeant-at-Arms to remove the member from the Chamber forthwith.
- (2) If the Sergeant-at-Arms is unable in person to effect the removal of the member, the presiding officer may call upon the Legislature Protection Services to assist in removing the member from the Chamber.
- (3) A member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for that day’s sitting, and may not enter the Chamber for the duration of the suspension.
- (4) The presiding officer may make a ruling at the next sitting on whether the member who has been suspended may be suspended for a further period as determined in Rules 41 and 43.
- (5) If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Sergeant-at-Arms and the Legislature Protection Services may use such force as may be reasonably necessary to overcome any resistance.

- (6) No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.
- (7) Any member or members who contravene subrule (5) may, on the instruction of the presiding officer, also be summarily removed from the Chamber forthwith.
- (8) If proceedings are suspended for the purposes of removing a member or members, all other members must remain seated or resume their seats, unless otherwise directed by the presiding officer.
- (9) When entering the Chamber on the instruction of the presiding officer —
 - (a) Members of the Legislature Protection Services may not be armed; and
 - (b) Members of the security services may not be armed, except in extraordinary circumstances in terms of security policy.
- (10) A member who has been removed from the Chamber will be escorted by the Legislature Protection Services personnel and will not be allowed to enter the Chamber or precincts of the Legislature as the Rules prescribe.
- (11) In the event of violence, or a reasonable prospect of violence or serious disruption ensuing in the Chamber as a result of a member resisting removal, the presiding officer may suspend proceedings, and members of the security services may be called upon by the presiding officer to assist with the removal of such member from the Chamber and the precincts of the Legislature forthwith in terms of Section 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act No 4 of 2004 (“the Act”), or may intervene directly anywhere in the precincts in terms of section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.
- (12) The House may approve Standard Operating Procedures, recommended by the Rules Committee, for the exercise of this function, in particular in relation to the use of the Legislature Protection Services and members of the security services for this purpose.

Standard Operating Procedures: Member refusing to leave Chamber

- (1) If a member refuses to leave the Chamber, the presiding officer asks the Sergeant-at-Arms to remove the member from the Chamber.
- (2) The Sergeant-at-Arms approaches the member(s) to explain in a respectful manner that the instruction of the presiding officer must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the member(s) may need to be physically removed from the Chamber.
- (3) If the member still refuses to leave, the Sergeant-at-Arms indicates to the presiding officer that the member refuses to comply, whereupon the presiding officer informs the House that the Legislature Protection Services are to be called upon to assist.
- (4) The Legislature Protection Services personnel enter the Chamber upon the instruction of the presiding officer, and proceed to remove the member(s) concerned under the direction of the Sergeant-at-Arms.
- (5) Members of the public in the gallery who participate in disorderly conduct will be removed by the security services.

(c) Rule 41 of the Rules is hereby amended as follows:

[Naming or] Suspension of members or referral to a Committee

- 41.** (1) If a presiding officer is of the opinion that a contravention committed by a member is of such a serious nature that an order to withdraw from the Chamber for the remainder of the day's sitting is inadequate, the presiding officer may -

[(a) if he or she is the Speaker,] suspend the member for any period, as determined in Rule 43; or

[(b) if he or she is not the Speaker, name the member, whereupon the Speaker, after consultation with the presiding

officer, may take such action as he or she deems necessary.]

(b) refer the matter to the relevant committee for consideration and report back to the House.

(2) The suspension of, or the action taken against a member, is an administrative action and must comply with the provisions of the Promotion of Administrative Justice Act, 2002 (Act No. 3 of 2000).

(d) Rule 42 of the Rules is hereby amended as follows:

Member to withdraw from precincts of Legislature

42. (1) A member ordered to withdraw from the Chamber or who is suspended **[or named]** must, after having been heard from his or her seat, forthwith withdraw from the precincts of the Legislature.

(2) If a presiding officer other than the Speaker orders a member to withdraw from the Chamber and the member is a member of the Executive Council, the Speaker must, after consultation with the presiding officer, order the member to withdraw from the precincts of the Legislature or take other such action as he or she deems necessary.

(3) The action taken against a member by the Speaker must be announced in the Legislature.

[(4) A member who has been named may not return to the precincts of the Legislature before the action taken against him or her by the Speaker has been announced.]

(e) Rule 43 is hereby amended as follows:

Period of suspension

43. The suspension of a member may, on the first occasion during a session, continue for not longer than five (5) sittings **[days]**, on the second occasion for between five (5) and ten (10) sittings **[days]** and on any subsequent occasion for between ten (10) and twenty (20) sittings **[days]**.