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**STANDING ORDERS
OF THE
LEGISLATIVE ASSEMBLY
OF THE
STATE OF SABAHA**

SITTING OF THE ASSEMBLY

Sitting Days

1. (1) Subject to the provisions of the law* the Assembly may sit only on Monday, Tuesday, Wednesday and Thursday (not being public holidays) (hereinafter referred to as “ordinary sitting days”) and every adjournment of the Assembly shall be till the next such ordinary sitting day unless the Assembly on a motion moved by a Minister without notice at any time before the moment of interruption decides to adjourn to a later ordinary sitting day or *sine die*.
- (2) The Assembly may, if, upon a notice moved by a Minister to the Speaker, it has so decided, sit upon any Friday, Saturday, Sunday or public holiday named in such notice.

Time for Sittings

2. (1) (a) Every sitting shall begin at 10.00 a.m. and unless the Assembly has been previously adjourned, shall continue until 5.15 p.m. (hereinafter referred to as “the time appointed for the termination of a sitting”).
- (b) At anytime if the time allocated under the Standing Order 2 (1) is not sufficient, a Minister or Assistant Minister may move a motion at any time between 4.00 – 4.15 pm that no motion of adjournment of the House may be moved until additional time to be specified and after which the Assembly would be adjourned.

- (2) (a) Any sitting may be decision of the Assembly, upon a motion moved without notice, be suspended at any time after 12.30 p.m. and when so suspended, shall be resumed at 2.15 p.m.
- (b) Any sitting may be suspended at any time, by the Speaker for a period not exceeding three hours.

Moment of Interruption

- (3) (1) At 4.15 p.m. (referred to in these Standing Orders as “the moment of interruption”), except as hereinafter provided, the proceedings on any business then under consideration shall be interrupted and if the Assembly be in Committee, the Chairman shall leave the Chair and the Member in charge of the business shall report progress and ask leave to sit again; and if a motion has been made for the adjournment of the Assembly or of the debate, or in Committee, that the Chairman do report progress or do leave the Chair, every such motion shall lapse.
- (2) The business under consideration at the moment of interruption shall be deferred to the next sitting day, unless the Member in charge of that item of business shall thereupon name to the Speaker a different sitting day on which that item of business shall again be placed upon the Order Paper.
- (3) The remaining items of business shall stand over until the next sitting day, unless the Member in charge of any particular item of business shall have named to the Clerk, at any time prior to the termination of the sitting, a different sitting day on which that item of business shall again be placed upon the Order Paper.

- (4) At the moment of interruption the closure may be moved or if proceedings for the closure are already in progress at that time the Speaker or Chairman shall not interrupt the business until the question consequent upon the moving of the closure and any further question as provided in Standing Order 48 (Closure of Debate) have been decided. Immediately such questions have been decided the other provisions of this Standing Order shall come into force.

Adjournment

4. (1) Until the time appointed for the termination of a sitting is reached, the Assembly shall not adjourn except in pursuance of a resolution or unless these standing Orders otherwise provide.
- (2) Upon adjournment of the Assembly, unless these Standing Orders otherwise provide, any item of business not disposed of and all other items of business on the Order Paper shall stand over until the next sitting day.
- (3) No motion for the adjournment of the Assembly shall be made at any sitting before the conclusion of questions, and thereafter no such motion shall be made except by a Minister unless a Member rises and obtains leave to move the adjournment in accordance with the provisions of Standing Order No. 23 (Adjournment on a definite matter of urgent public importance).
- (4) If the Assembly has not previously resolved to adjourn, at the time appointed for the termination of a sitting the Speaker shall adjourn the Assembly without putting any question.

Adjournment Speeches

5. (1) Immediately after every item of business has been concluded or has been dealt with under the provisions of these Standing Orders, a Minister shall move the adjournment of the Assembly.

- (2) Upon that motion debates may take place in which not more than four separate matters for which the Cabinet is responsible may be raised by Members who have obtained the right to raise those matters on the motion for the adjournment that day.
- (3) Any Member may speak on each matter so raised and such speeches, if not previously concluded, shall cease upon the expiration of ten minutes. Ministers responsible shall reply at the conclusion of speeches in relation of all matters. The ruling of the Speaker as to the time taken shall be final.
- (4) The right to raise matters on the motion for the adjournment, shall be allotted to Members for each sitting day, if necessary by ballot under the direction of the Speaker or in his absence the Deputy Speaker and/ or the Clerk.
- (5) Any member wishing to obtain the right to raise a matter on the motion for the adjournment shall give not less than three (3) days notice thereof specifying the matter which he proposes to raise. No member shall specify more than one matter for each sitting day.
- (6) Should the Member fail to obtain such right for the sitting day named in his notice, he shall, at his request and subject to the provisions relating to a ballot be allotted that right on a succeeding sitting day, if any, within the next ten days.
- (7) A Member who has obtained such right shall not be eligible to ballot for the following three months unless by reason of the prior adjournment of the Assembly or otherwise, he has been deprived of the opportunity of exercising such right.
- (8) The names of Members not successful in a ballot shall, at their request, be included in any ballot held for succeeding sitting days, if any, within the next ten days.
- (9) A Member may not have more than one entry in any one ballot.

Notices of Sittings

6. Save where the previous sitting of the Assembly has been adjourned to a fixed date or time written notice of a sitting of the Assembly shall be given by the Clerk to Members at least twenty-one (21) clear days before the day of the sitting but in cases of emergency the Yang di-Pertua Negeri may dispense with the necessity for such notice. In that event the longest notice possible shall be given.

Order Paper

7. The Clerk shall send to each Member a copy of the Order Paper for each sitting as soon as practicable.

Exempted Business

8. (1) A Motion may be made, without notice by a Minister at the commencement of public business or at any time between 3.15 p.m. and 3.45 p.m., to be decided without amendment or debate to the effect either:-
 - (a) that the proceedings on any specified business be exempted at this day's sitting from the provisions of Standing Orders Nos. 2 and 3; or
 - (b) that the proceedings on any specified business be exempted at this day's sitting from the provisions of Standing Orders Nos.2 and 3 for a specified period after the moment of interruption.
- (2) If a motion made under the preceding paragraph be agreed to the business so specified shall not be interrupted if it is under discussion at the moment of interruption, may be entered upon at any hour and if under discussion when the business is postponed under the provisions of any Standing Order, may be resumed and proceeded with after the moment of interruption and in either case be continued after the time appointed for the termination of a sitting.

Provided that business exempted for a specified period shall not be entered upon or be resumed after the expiration of that period and, if not concluded earlier shall be interrupted at the end of that period and the relevant provisions of Standing Order No. 3 (Moment of Interruption) shall then apply.

- (3) Not more than one motion under paragraph (1) of this Standing Order may be made at any one sitting.
- (4) When the business exempted is disposed of after the moment of interruption, the remaining items of business standing on the Order Paper shall be dealt with according to the provisions applicable to business taken at the moment of interruption.
- (5) Notwithstanding the provisions of any Standing Order, if Members have under the provisions of Standing Order No.5 (Adjournment Speeches) obtained the right to raise matters on the motion for the adjournment and if the business standing on the Order Paper has been disposed of or dealt with at or after the moment of interruption a Minister shall move the adjournment of the Assembly, and if the Assembly has not previously resolved to adjourn, the Speaker shall, at the expiration of one hour after that motion has been made, adjourn the Assembly without putting any question.

Quorum

9. (1) If objection is taken by any Member present as permitted by law, *Members shall be summoned as for a division.
- (2) If objection has been so taken in the Assembly, the Speaker shall after the expiration of two minutes, count the Assembly. If a *quorum* is not then present, he shall adjourn the Assembly without putting any question.
- (3) If objection has been so taken in Committee of the whole Assembly, the Chairman shall, after the expiration of two minutes, count the Committee. If he ascertains the *quorum* is not present, he shall leave the Chair, the Assembly

shall be resumed and the Speaker shall count the Assembly. If a *quorum* is then present, the Assembly shall again resolve itself into Committee; but if a *quorum* is not present the Speaker shall adjourn the Assembly without putting any question.

No Adjournment or objection as to quorum when Yang di-Pertua Negeri to present

10. Whenever the Assembly has been informed that the Yang di-Pertua Negeri will be present in the Assembly on a specified date and at a given time then on that day no motion for the adjournment of the Assembly shall be made before the time for which the Yang di-Pertua Negeri's arrival has been notified and no objection shall be taken by any Member that a *quorum* is not present.

Presiding in the Assembly or Committee of the whole Assembly

11. (1) When the Speaker is absent of there is any vacancy[†] in the office of Speaker, the Clerk at the Table shall make an announcement to the effect, and thereupon the Deputy Speaker (if one is elected or appointed) shall preside and shall be invested with all the powers of the Speaker.
- (2) During any absence of the Speaker of the Deputy Speaker from any sitting of the Legislative Assembly, the Clerk at the Table shall make an announcement to that effect and a Member present (not being a Minister) shall be elected by the Assembly to act as Speaker and shall be invested with all the powers of the Speaker.
- (3) The Deputy Speaker shall take the Chair temporarily when requested so to do by the Speaker without any formal communication to the Assembly.
- (4) Whenever the Assembly resolves itself into a Committee of the whole Assembly, including the Committee of Supply, the Speaker of Member presiding in the Assembly shall take the Chair as Chairman of the Committee of the whole Assembly.

- (5) In these Standing Orders, except where it is expressly provided otherwise, or unless the context otherwise requires, the expression “the Speaker” includes any person presiding in the Assembly, and the expression “the Speaker or (the) Chairman” shall mean the Speaker or any person presiding in the Assembly or the Chairman when presiding in a Committee of the whole Assembly.

BUSINESS OF THE ASSEMBLY

Order Book

12. The Clerk shall prepare from day to day and keep in his office an Order Book showing all business appointed and other business set down for any future day or for the next available day. The Order Book shall be open to the inspection of Members at all reasonable hours.

Order of Business

13. (1) Unless otherwise provided for in these Standing Orders or the Assembly otherwise directs the order of business shall be as follows:-
- (a) Formal Entry of Speaker.
 - (b) Prayers.
 - (c) Oaths and Affirmation
 - (d) Address by the Yang di-Pertua Negeri. *
 - (e) Messages from the Yang di-Pertua Negeri. *
 - (f) Communications and Announcements from the Chair.
 - (g) Tributes.
 - (h) Obituary Speeches.
 - (i) Presentation of Papers.
 - (j) Petitions.
 - (k) Questions to Ministers and other Members.
 - (l) Ministerial Statements.
 - (m) Requests for leave to move the adjournment of the Assembly on matters of urgent public importance.

- (n) Personal Explanations.

At the commencement of public business

- (o) Business motions moved by Ministers.
 - (p) Privilege Motions.
 - (q) Motions by private Members for leave to bring in Bills.
 - (r) Public Business.
- (2) The Assembly may upon a motion which may be made without notice and shall take precedence over all other business decide to proceed to any particular business out of the regular order.
- (3) Notwithstanding anything contained in the clause 13(1), the House may at anytime decided not to proceed with any particular business and shall proceed with particular government business as the Leader of the House think fit and communicate to the Secretary.

Mace

- 13A. The Assembly shall have a mace. Whenever the Tuan Yang Terutama Yang di-Pertua Negeri enters the Assembly or exits from the Assembly, or whenever the Speaker enters at the beginning and end of the meeting, the mace shall be carried on the right shoulder of the Sergeant-at-Arms who is proceeding before the Tuan Yang Terutama Yang di-Pertua Negeri or the Speaker, as the case may be.

OATHS AND AFFIRMATIONS

Oaths and Affirmations

- 14 (1) So soon as the Assembly first meets after a General Election every Member shall take the oath or affirmation as required by law * in such order as the Speaker shall determine.

- (2) At any other time Members shall present themselves at the Table to take their oaths and affirmation, at the time appointed under the provisions of Standing Order No. 13 (Order of Business) in such manner and in such order as the Speaker shall determine.
 - (a) A member may at any time when the House Stands adjourned, take and subscribe the said oath before the Speaker; and in any such case the Speaker shall report to the House at its next sitting that the Member has so taken and subscribe the said oath before him.
- (3) Every Member shall immediately after having taken the oath or made the affirmation, sign the book laid on the Table for that purpose by the Clerk.

Proclamation Opening of the Session

15. (1) The first sitting of the House in each Session shall be held in such place on such day and at such hour as the Tuan Yang Terutama Yang di-Pertua Negeri may by Proclamation appoint.
- (2) Subject to the provisions of paragraph (1), the Leader or Deputy of the House shall determine at least 28 days before the commencement of each Session, the dates on the which the House shall meet in the Session:

Provided that the Leader or Deputy Leader of the House may vary from time to time the dates so fixed.
- (3) If, during an adjournment of the House, it is represented to Speaker by the Chief Minister that the public interest requires that the House should meet at an earlier date than that to which the House was adjourned, Speaker shall give notice thereof forthwith and the House shall meet at the time stated in such notice. The business set down for that day shall be appointed by the Chief Minister and notice thereof shall be circulated not later than the time of meeting.

Yang di-Pertua Negeri's Address on Government Policy

- 15A. (1) At the conclusion of the Address of the Yang di-Pertua Negeri delivered to the Legislative Assembly on Government Policy at the opening of any Session, the Assembly shall stand adjourned without any question being put to such ordinary sitting day as will be named by the Speaker. The Leader of the House shall give one day notice after the day which the speech was delivered on a motion to be moved by a Member named by the Leader of the House than an address expressing the thank of the Assembly for the speech by Tuan Yang Terutama yang di-Pertua Negeri be agreed. Debate may begin after the motion.
- (2) The Speaker shall fix and provide for the number of days for the debate of the motion and on such allotted days the provision of Standing Order No. 84 (Business of Supply) shall apply *mutatis mutandis*.
- (3) If the end of the time permitted on the allotted day is reached before the debate has been concluded, the Speaker shall forthwith put any questions necessary to bring the proceedings to a conclusion.

MESSAGES FROM THE YANG DI-PERTUA NEGERI

Messages from the Yang di-Pertua Negeri

16. (1) The Speaker shall at the time appointed by Standing Order No. 13 (Order of Business) read to the Assembly any message from the Yang di-Pertua Negeri delivered to him and addressed to the Assembly.
- (2) Notwithstanding the provision of Standing Order No. 13 (Order of Business) a message from the Yang di-Pertua Negeri, if presented the Assembly by a Minister, may be brought up at any time before the commencement or at the close of public business, and shall be considered forthwith or be ordered to be considered upon such future sitting day as that Minister shall appoint.

PRESENTATION OF PAPERS

Presentation of Papers

17. (1) A copy of every Paper which the Speaker or a Minister desires to or which a Chairman or other Member deputed by a Select or other Committee of the Assembly is required to present to the Assembly or which is required by law to be presented to or laid before the Assembly shall be sent to the Clerk. Every Paper, a copy of which is so received by the Clerk shall be considered to have been presented to the Assembly and ordered to lie upon the Table and, unless otherwise ordered, to be printed.
- (2) Notwithstanding the provisions of paragraph (1) of this Standing Order, a paper may be presented by a Minister to the Assembly at the time appointed by Standing Order No. 13 (Order of Business) by delivering a copy thereof to the Clerk at the Table, and in so presenting the paper, the Minister may make an explanatory statement of its contents. No opinion shall be expressed and no debate shall take place. A paper so presented shall be considered to have been ordered to lie upon the Table and unless otherwise ordered, to be printed.
- (3) If it is desired to withdraw a Paper which has been presented, a request in writing signed by the Member or other person by whom the Paper was presented shall be sent to the Clerk and thereupon the order that the Paper do lie upon the Table shall be considered to have been discharged and the Paper withdrawn.
- (4) Every paper presented to the Assembly or withdrawn shall be recorded as so presented or withdrawn with the date of such presentation or withdrawal in the Votes and Proceedings of the day on which it is presented or withdrawn or, if the Assembly is not then sitting of the next sitting day following its presentation or withdrawal on which the Assembly sits.

PETITIONS

Petitions

18. (1) A Petition may only be presented to the Assembly at the time appointed by Standing Order No. 13 (Order of Business) by a Member, who shall affix his name at the beginning thereof.
- (2) A Member presenting a Petition shall confine himself to a brief statement of the parties from whom it comes the number or signatures attached to it and the material allegations contained in it and to reading the prayer of the Petition.
- (3) It shall be competent for any Member to move that any Petition be not received on the ground that it does not comply with the requirements of this Order and if such motion be carried the Petition shall not be received. Such a motion may be moved without notice.
- (4) Petitions shall be ordered to lie upon the Table without question put. Every such Petition shall stand referred to the Standing Committee, unless it is a Petition against a private or hybrid bill in which case it shall stand referred to the Select Committee on the bill.
- (5) When any Petition stands referred to a Select Committee all person whose individual rights or interests are peculiarly affected by any proposed action or Ordinance to which the Petition relates may be heard by the Committee either in person or at the discretion of the Committee, by Counsel.
- (6) No Petition shall be presented to the Assembly unless it shall have been submitted to the Clerk at least two clear days before the sitting and has been endorsed by the Clerk as being in accordance with the provisions of the following rules:-

- (a) Every Petition offered to be presented to the Assembly shall begin with the words “To the Honourable the Members of the Legislative Assembly, Sabah, in meeting assembled;” or with words equivalent thereto.
- (b) Every Petition shall contain a prayer at the end thereof setting forth the general object of the Petition or the nature of the relief asked for.
- (c) Every Petition shall be printed or typewritten.
- (d) Every Petition shall be signed by at least one person on the sheet or sheets on which the Petition is written. Every Petition shall be signed on the last sheet. One or more of the persons signing on the last sheet shall also sign at the bottom of every other sheet on which the Petition is written, the signature or signatures on each such sheet being the same.
- (e) Every signature shall be written upon the sheets bearing or attached to the Petition itself, and not pasted upon or otherwise attached or transferred thereto.

Amended LA 8/77

- (f) If signatures are affixed to more than one sheet, the prayer of the Petition shall be repeated at the head of one side of each sheet; but on every sheet after the first, the prayer may be reproduced in print or by other mechanical process. Signatures upon sheets not so headed will not be counted, but signatures may be written on either side of any sheet, including that on which the Petition itself is written.
- (g) Every Petition shall be written in Bahasa Malaysia or in English language.
- (h) Every Petition shall be signed by the parties whose names are appended thereto by their names or by their marks which are duly authenticated, and by no one else.

- (i) The Petition of a corporation shall be under its common seal which shall be duly authenticated.
- (j) The address of every person signing a Petition or making his mark thereon shall follow his signature or mark, failing which the signature or mark will not be counted; nor will signatures which appears to be in the same handwriting.
- (k) No letters, affidavits, or other documents, may be attached to any Petition.
- (l) No erasures or interlineations may be made in any Petition.
- (m) Every Petition shall be respectful, decorous, and temperate in its language.
- (n) No reference may be made to any Debate in the Assembly or to any intended motion unless notice of such motion stands upon the Order Paper.
- (o) No Petition may ask for a grant of public money or the release of a debt to the public funds.

QUESTIONS TO MINISTERS AND OTHER MEMBERS

Questions to Ministers and other Members

19. (1) Questions may be put to Minister relating to:-
- (a) affairs within their Official functions; or
 - (b) Bills, motions or other public matters connected with the business of the Assembly for which such Ministers are responsible.
- (2) Questions may also be put to other Ministers relating to a Bill, motion or other public matter connected with the business of the Assembly for which such Minister are responsible.

- (3) Assistant Minister may answer oral question on behalf of this Minister.

Notices of Questions

20. (1) A question shall not be asked without notice unless the Speaker or in his absence the Deputy Speaker is of the opinion that it is of an urgent character and relates either to a matter of public importance or to the arrangement of public business and the Member has obtained the permission of the Speaker or Deputy Speaker, as the case may be, to ask it.
- (2) Notice of every question shall be given by a Member in writing not later than fourteen (14) clear days before the sitting day on which the answer is required:-
- (a) When the Assembly is sitting by being handed to the Clerk at the Table;
or
- (b) When the Assembly is not sitting by being handed in at the office of the Clerk within the hours prescribed for the purpose.
- (3) If a Member requires on oral answer to his question he shall mark it with an asterisk.

Amended LA 8/77

- (4) Notice of any question may be given by a Member in writing in the manner prescribed by paragraph (2) of this Standing Order for the next available day, in which event the question shall be put down for an answer on such sitting day next following the date on which the question has been handed in, which is not less than fourteen clear days after such date and on which the Assembly sits.

Contents of Questions

21. (1) Every question shall conform to the following rules:-

- (a) a question shall not include the names of persons or statements not strictly necessary to render the question intelligible;
- (b) a question shall not contain statements which the Member who asks the question is not prepared to substantiate;
- (c) a question shall not contain arguments, inferences, opinions, imputations, epithets or tendentious, ironical or offensive expressions;
- (d) a question shall not refer to debates or answers to questions in the current session;
- (e) a question shall not refer to proceedings in a Committee of the Assembly which have not been reported to the assembly;
- (f) a question shall not seek information about any matter which is of its nature secret;
- (g) a question shall not reflect on the decision of a court of law and no question shall be asked on any matter which is subjudice;
- (h) a question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal question or the answer to a hypothetical proposition;
- (i) a question shall not be asked as to whether statements in the Press or of private individuals or bodies of persons are accurate;
- (j) a question shall not be asked as to the character or conduct of any person except in his official or public capacity;
- (k) a question shall not be asked reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion;

- (l) a question shall not be asked making or implying a charge or a personal character;
- (m) a question shall not be asked seeking for information set forth in accessible documents or ordinary works of reference;
- (n) a question fully answered shall not be asked again during the same session.
- (o) a Member may not ask more than three (3) questions for oral reply in any one meeting of the House,
 - (i) a question shall not exceed forty (40) words without taking into account the name and constituency of the Member ask and the Minister responsible; and
 - (ii) a question shall not contain more than two (2) different questions or a combination of more than two questions.
- (2) If the Speaker or in his absence the Deputy Speaker or in his absence such other person as the Speaker may designate, is of the opinion that any question of which a Member has given notice to the Clerk or which a Member has sought leave to ask without notice, is an abuse of the right of questioning or infringes any of the provisions of this or any other Standing Order, he may direct:-
 - (a) that it be printed or asked with such alterations as he may direct; or
 - (b) that the Member concerned be informed that the question is inadmissible for reasons stated.
- (3) Notwithstanding anything hereinbefore contained the Minister or other Member to whom the question is addressed may refuse to answer any such question put to him on the ground of public policy and such refusal shall not be debated or questioned.

- (4) Secretary is empowered to edit questions submitted.

Manner of asking and answering questions

22. (1) If an oral answer to a question is required, the Speaker, when the question is reached on the Order Paper shall call upon the Member in whose name the question stands. The Member so called shall then rise in his place and ask the question by reference to its number on the Order Paper.
- (2) If a Member asking a question for an oral reply fails to rise and ask his question then any other Member may make the question his own and may rise in his place and ask the question in the matter prescribed above; but if no other Member so rises the Minister or other Member to whom the question is addressed shall send copies of the answer to the Member who asked it and to the Clerk who shall cause the answer to be circulated to Members and to be printed in the Official Report.

Provided that at any time before the Speaker has called upon the Member who asked the question standing in his name that Member may signify his desire to postpone the question to a later sitting or may withdraw it.

- (3) If a Minister, or other Member who is to answer a question is absent, the question shall if he then be present, be taken after all other questions appearing on the Order Paper have been disposed of. If the Minister or other Member then be not present he shall send copies of the answers to the Members who asked them and to the Clerk, who shall cause the answers to be circulated to Members and to be printed in the Official Report.
- (4) Supplementary questions may be put for the purpose of elucidating an oral answer, but the Speaker may refuse any such question which in his opinion introduces matter not related to the original question, or which infringes any of the provisions of the Standing Order No. 21 (Contents of questions).
- (5) A question shall not be made the pretext for a debate.

- (6) If an oral answer to a question is not required the Minister or other Member to whom it is addressed shall send copies of the answer to the Member who asked it and to the Clerk who shall cause such answer to be circulated to Members and to be printed in the Official Report.

ADJOURNMENT OF THE ASSEMBLY ON MATTERS OF URGENT PUBLIC IMPORTANCE

Adjournment on a definite matter of urgent public importance

23. (1) A member may rise in his place at the time appointed by Standing Order No. 13 (Order of Business) and ask leave to move the adjournment of the Assembly for the purpose of discussing a definite matter or urgent public importance.
- (2) A member who wishes so to ask leave to move the adjournment of the Assembly shall within 24 hours before the commencement of the sitting hand to the Speaker or in his absence the Deputy Speaker a written notification of the matter which he wishes to discuss. Before allowing leave to be asked, the Speaker or the Deputy Speaker as the case may be, shall satisfy himself that the matter to be raised is definite and such as may properly be raised on a motion for the adjournment of the Assembly.
- (3) If the Speaker or Deputy Speaker as the case may be is so satisfied and either the Member obtains the general assent of the Assembly, or its general assent is not obtained, at least twelve (12) Members rise in their places to support the motion, the motion shall stand adjourned until 2.45 p.m. On the same day, and at that hour any proceedings on which the Assembly is engaged shall be postponed until either the motion for the adjournment is disposed of or the moment of interruption is reached, whichever is the earlier. At the moment of interruption the motion for the adjournment is not previously disposed of shall lapse and the proceedings which have been postponed shall be resumed and dealt with in accordance with the next paragraph of this Standing Order.
- (4) Any proceedings which have been postponed under this Standing Order shall be exempted from the provisions of Standing Order No. 3 (Moment of Interruption)

for a period of time equal to the duration of the proceedings on the motion made under this Standing Order, and may be resumed and proceeded with at or after the moment of interruption.

- (5) Not more than one motion for the adjustment of the Assembly under the provisions of this Standing Order may be made at any one sitting.

Speaker's power to refuse motion

- 23A. (1) The Speaker may, in chambers, refuse to allow any motion submitted to him if the Speaker is satisfied that:-
- (a) the mover intends only to take opportunity to address the House; or
 - (b) the matter has been discussed in the current session and clarification given by the government on the said matter; or
 - (c) any motion contravenes any of the Provisions of the Standing Orders of the House,
- (2) Any motion that has been refused under paragraph (1) shall not be proposed and shall not be read in the House.

PERSONAL EXPLANATIONS

Personal Explanations

24. With the leave of the Speaker or in his absence the Deputy Speaker a Member may make a personal explanation at the time appointed by Standing Order No. 13 (Order of Business) although there is no question before the House; but no controversial matter may be brought forward nor may any debate arise upon the explanation. The terms of the proposed statement shall be submitted in full to the Speaker or the Deputy Speaker as the case may be when his leave to make is sought.

PUBLIC BUSINESS

Arrangement of Public Business

25. (1) Any Bill or other matter which the Assembly has ordered to be taken into consideration on a particular day shall be known as an order of the day. After a day has been so appointed, an earlier day shall not be substituted therefor. The Member in charge, however, may either:-
- (a) before an order of the day is read, give notice in writing to the Clerk postponing the order to a later sitting day and the Bill or other matter shall thereupon become an order of the day for that day; or
 - (b) upon an order of the day being read, name a later sitting day, and the Bill or other matter shall thereupon become an order of the day for that day.
- (2) On every sitting day, Government business shall have precedence over private Member's business.
- (3) Government business shall be set down in such order as the Cabinet think fit and communicate to the Clerk not less than two clear days before the sitting day.
- (4) Private Member's business shall be set down in the following order:-
- (a) Adjourned debates in the order in which they were appointed under these Standing Orders;
 - (b) Bill and other orders of the day in the order in which they were appointed under these Standing Orders;
 - (c) Notices of motion in the order firstly in which they were appointed under these Standing Orders and secondly in the order in which notice of each motion appeared in the Order Book.

Business not disposed of

26. (1) At any time before the conclusion of the consideration of any item of business any Member may move "That the debate be now adjourned" or in Committee "That the Chairman do report progress and ask leave to sit again", and if such motion is agreed to the debate shall be adjourned or the Assembly shall resume, as the case may be. The Speaker shall call upon the Member in charge of that item of business to name a later sitting day for its resumption and the item shall thereupon become an order of the day for the day so named.
- (2) Debate under provisions of paragraph (1) of this Standing Order shall be confined to the matter of such motion; and a Member who has made such a motion shall not be entitled to move any similar motion during the same debate.
- (3) If the Speaker or the chairman shall be of the opinion that a motion made under the provisions of paragraph (1) of this Standing Order is an abuse of the rules of the Assembly, he may forthwith put the question thereupon from the Chair or he may decline to propose a question thereupon to the Assembly or the Committee.
- (4) In the case of an order of the day, if a motion under the provision of paragraph (1) of this Standing Order has been agreed to and no day for the resumption of the debate is named by the Member in charge when called upon by the Speaker to do so, the order shall become a dropped order, shall be removed from the Order Book, and shall not be replaced in the Order Book except upon a motion which may be made after two clear day's notice before the commencement of public business and shall be decided without amendment of debate. Upon the motion being agreed, the order shall be replaced in the Order Book and shall be considered on such sitting day as the Member in charge shall name.
- (5) In the case of the notice of motion, if a motion under the provisions of paragraph (1) of this Standing Order has been agreed to and no day for the resumption of the debate is named by the Member in charge when called upon by the Speaker to do so, a new notice shall be required to bring that motion again before the

Assembly and the provisions of Standing Order No. 31 (Manner of giving Notices) shall apply to any such new notices.

OFFICIAL REPORTS

Official Reports

27. (1) An official report of all speeches made in the Chamber and debates on a Bill in Select Committee which shall be as nearly as possible verbatim, shall be prepared in such form as the Speaker or in his absence the Deputy Speaker may direct.
- (2) A first copy of the report shall be sent to each Member as soon as practicable after the conclusion of each sitting. This first copy of the report shall be exclusively for the use of Members in relation to the business of the Assembly conducted in the Chamber or in the Select Committee as the case may be and subject thereto, shall not be for publication.
- (3) If no Member in writing addressed to the Clerk seeks to make any change in the report within three weeks from the time when the first copy of the report was despatched to each Member, the report shall be published without correction.
- (4) Any dispute as to the correctness of the report of any speech contained in the first copy of the report and any request for any material change in the report shall be referred to the Speaker or in his absence the Deputy Speaker who shall rule thereon and shall direct publication of the speech in accordance with his ruling which shall not be called in question.

VOTES AND PROCEEDINGS

Votes and Proceedings

28. (1) The Clerk shall keep the minutes of the proceedings of the Assembly and of Committee of the whole Assembly, and shall circulate a copy of such minutes, to

be known as the Votes and Proceedings, on the day following each sitting of the Assembly or as soon after as practicable.

- (2) Votes and Proceedings shall record the names of Members attending and all Orders and Resolutions of the Assembly, and shall be signed by the Speaker or, in his absence, by the Deputy Speaker.
- (3) In the case of divisions of the Assembly or Committee of the whole Assembly, the Votes and Proceedings shall include the numbers voting for and against the question the names of Members so voting and the names of the Members present who abstained from voting.

CUSTODY OF PAPERS

Custody of Papers

29. The Clerk shall be responsible for the custody of the Votes and Proceedings, records, Bills and other documents presented to or laid before the Assembly which shall be open to inspection by Members of the Assembly under such arrangements as may be sanctioned by the Speaker or in his absence by the Deputy Speaker.

MOTIONS

Notice of Motions

30. Unless Standing Orders otherwise direct, notice shall be given of any motion which it is proposed to move with the exception of the following:-
 - (a) A motion by way of amendment to a question already proposed from the Chair.
 - (b) A motion in Committee.
 - (c) A motion for the adjournment of the Assembly.

- (d) A motion for the adjournment of a debate or that the Chairman do report progress and ask leave to sit again or do leave the Chair.
- (e) A motion arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon.

Manner of giving notices

31. (1) Where under any Standing Order (or the practice of the Assembly) notice is required such notice shall be given:-
- (a) When the Assembly is sitting by being handed to the Clerk at the Table;
or
 - (b) When the Assembly is not sitting, by being handed in at the office of the Clerk within the hours prescribed for the purposed.
- (2) A notice of any substantive motion to be moved in the Assembly shall be signed by the Member intending to move the motion and, in the case of private Member's motion, the notice may also be signed by a supporter or supporters not exceeding five in number.
- (3) Except where it is otherwise provided in any Standing Order, not less than seven clear days' notice of any motion shall be given unless it is in the name of a Minister, in which case two clear days' notice shall be sufficient. Notwithstanding anything contained in these Standing Orders, if it is represented to the Speaker or in his absence the Deputy Speaker, by the Leader of the House that the public interest requires that a motion should be debated as soon as possible, and if the Speaker or in his absence the Deputy Speaker is satisfied that the public interest so requires, one clear day's notice of such motion shall be sufficient.
- (4) All notices shall if possible be printed and made available to Members not later than the day before the sitting for which they have been put down and the day which each notice is handed in shall be indicated.

- (5) Any such notice shall be submitted to the Speaker or in his absence the Deputy Speaker or in his absence such other person as the Speaker may designate, who shall direct:-
 - (a) that it be printed in the terms in which it was handed in; or
 - (b) that it be printed with such alteration as he may direct; or
 - (c) that it be returned to the Member who intended to move it, as being in his opinion inadmissible for reasons stated.
- (6) Motions or amendments sent or handed to the Clerk shall be printed and circulated by him to members as soon as practicable.

Dispensing with notice

32. Notice shall not be dispensed with in the case of a motion or in respect of any other proceeding for which notice is required except with the consent of the Speaker and the general assent of Members present.

Alterations of terms of notice, postponement and withdrawal of motion.

33. (1) If a member, who intended to move a motion of which he has given notice, desires to alter its terms he may do so by giving to the Clerk an amended notice of motion, duly signed as required by the provisions of paragraph (2) of Standing Order No. 31 (Manner of Giving Notices), provided that such alteration does not in the opinion of the Speaker or in his absence the Deputy Speaker, materially alter any principle embodied in the original motion or the scope thereof. The amended notice shall run from the time at which the original notice was given.
- (2) A Member who intended to move a motion of which he has given notice, may, in respect of such motion, either:-

- (a) before the notice is read, give notice in writing to the Clerk postponing the motion to a later sitting day and the motion shall thereupon be set down for that day; or
 - (b) upon the notice being read, name a later sitting day and the motion be placed on the Order Paper for that day.
- (3) A Member who intended to move a motion of which he has given notice may before the notice is read, give notice to the Clerk withdrawing the notice.

Amendments to motions

34. (1) Unless Standing Orders otherwise provide, when any motion is under consideration in the Assembly or in a Committee thereof an amendment may be proposed to the motion if it is relevant thereto.
- (2) An amendment must not raise any matter which can only be raised by distinct motion after notice.
- (3) An amendment to a motion must not be inconsistent with a previous decision given at the same stage of any Bill or matter.
- (4) An amendment must not be substantially identical with an amendment moved by another Member.
- (5) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.
- (6) To any amendment, an amendment may be moved.
- (7) The Speaker or Chairman shall be the sole judge of the admissibility of any amendment.

Moving of Motions and amendments

35. (1) No private Member's motion shall be proceeded with unless, upon the notice of such motion being read, support thereof or in principle shall be signified to the Assembly by at least one Member then present in the Chamber or unless the notice of such motion has been signed by a supporter or supporters under the provisions of paragraph (2) of Standing Order No. 31 (Manner of Giving Notices) and such support has not been withdrawn.
- (2) If a private Member does not move a motion or amendment which stands in his name when he is called upon, it shall lapse, unless some other Member duly authorised by him in writing or who has supported the notice of motion or amendment in writing shall move in his stead.
- (3) Any motion or amendment which stands in the name of a Minister may be moved by any other Member.
- (4) An order of the day may be moved by any Member, unless the Member in charge of that order names a later sitting day for its consideration in accordance with the provisions of paragraph (1) of Standing Order No. 25 (Arrangement of Public Business).

No Secunder required

36. No seconder shall be required for any motion, amendment or order of the day in the Assembly or in Committee.

Amendments to be put in writing

37. Any amendment to a motion or to an amendment upon which the question has been proposed in the Assembly or in a Committee of the Assembly shall, if so required by the Speaker or Chairman, be put into writing by the mover and delivered to the Clerk or to the Chairman on a Select Committee.

Manner of debating motions

38. (1) When a motion has been moved, the Speaker or Chairman shall propose the question thereon to the Assembly or Committee in the same terms as the motion; debate may then take place upon that question and may continue so long as any Member wishes to speak who is entitled to do so.
- (2) When no more Members wish to speak, the Speaker or Chairman shall put the question to the Assembly or Committee in the same terms as the motion.
- (3) Debate upon a motion other than a motion for the adjournment of the Assembly shall be relevant to such motion.

Manner of debating amendments to motions

39. (1) Any amendment to a motion which a Member wishes to propose may be moved at any time after the question upon the motion has been proposed by the Speaker or Chairman, and before it has been put by the Speaker or Chairman at the conclusion of the debate upon the motion. When every such amendment has been disposed of, the Speaker or Chairman shall either again propose the question as upon the motion or shall propose the question upon the motion as amended, as the case may require, and after any further debate which may arise thereon, shall put the question to the Assembly or Committee for its decision.
- (2) Debate upon an amendment to a motion shall be relevant to such amendment.
- (3) (a) Upon any amendment to leave out any of the words of the motion, the question to be proposed shall be "That the words proposed to be left out of the question". Debate shall be confined to the omission of such words.
- (b) Upon any amendment to insert words in or adds words at the end of a motion, the question to be proposed shall be "That those words be there inserted (or added)". Debate shall be confined to the insertion or addition of such words.

- (c) Upon any amendment to leave out any of the words of the motion and insert or add other words instead a question shall first be proposed “That the words proposed to be left out be left out of the question” and if the question is agreed to, the question shall then be proposed “That those words be there inserted (or added)”. If the first question is disagreed to, no further amendment may be proposed to the words which the Assembly or Committee has so decided shall not be left out. Debate upon the question “That the words proposed to be left out be left out of the question” may include both the words proposed to be left out and those proposed to be inserted or added.

- (4) If the Speaker or Chairman, before putting a question to leave out certain words is informed that a Member wishes to move an amendment to leave out part only of those words and if he is of opinion that the proposed amendment of which he is so informed is substantially a new amendment, he shall, if possible put the question to leave out only so much of the original amendment as is unaffected by the second amendment; but if that question is agreed to, the whole of the words proposed in the original amendment to be left out shall be deemed to have been ordered to be left out.

- (5) When two or more amendments are proposed to be moved to the same motion, the Speaker or Chairman shall call upon the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt in such order as the Chair shall decide; provided that no amendment may be moved which relates to any words which the Assembly or Committee has decided shall not be left out of the motion.

- (6) (a) Any amendment to an amendment which a Member wishes to propose may be moved at any time after the question upon the original amendment has been proposed, and before it has been put at the conclusion of the debate on the original amendment.

- (b) The provisions of paragraphs (3), (4) and (5) of this Standing Order shall apply to the discussion of amendments to amendments, with the

substitution of the words “original amendment” for the word “motion” throughout.

- (c) When every such amendment to an amendment has been disposed of, the Speaker or Chairman shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.

Withdrawal of motions and amendments

- 40. (1) If the question has been proposed on a motion or an amendment, the motion or amendment may be withdrawn, at the request of the mover, by leave of the Assembly or Committee, before the question is fully put thereon, provided that there is no dissentient voice. A motion or an amendment so withdrawn may be proposed again provided that notice as and if required by these Standing Orders is given.
- (2) If the question has been proposed on an amendment to a motion or to another amendment, the original motion or amendment may not be withdrawn until the amendment thereto has been disposed of.
- (3) If an interval of three calendar months has lapsed after notice of a motion has been given without the motion being proceeded with, the notice shall be deemed to have lapsed unless the Assembly otherwise orders.

APPOINTMENT OF COMMITTEE OF THE WHOLE ASSEMBLY

Appointment of Committee of the whole Assembly

- 41. (1) Whenever in any matter, other than matters considered under procedure on Bills or financial procedure, a Member desires that the matter be considered in a

Committee of the whole Assembly, he may move, without notice, that the Assembly shall immediately or on a future sitting day resolve itself into a Committee of the whole Assembly to consider the matter.

- (2) In Committee, any Member may move a motion or motions relevant to the matter referred to the Committee.
- (3) When the question upon a motion has been proposed from the Chair, unless progress be reported, it shall be agreed to either with or without amendment, negatived or withdrawn.
- (4) When a resolution has or resolutions have been agreed to the Chairman shall say "Resolution(s) to be reported" and shall leave the Chair without question put.
- (5) Upon the Assembly resuming the Member in charge shall report "That the Committee have come to a certain resolution(s)". The Assembly shall thereupon forthwith, or upon a future sitting day to be named by the Member in charge, proceed to the consideration of the resolution(s).
- (6) Upon consideration of the resolution, the Clerk shall read the resolution and thereupon amendments or a motion for the recommittal of the resolution or for the postponement of consideration of the resolution may be moved.
- (7) At the conclusion of the consideration of the resolution, the Member in charge shall move "That the Assembly both agree with the Committee on the said resolution, (as amended)", and debate on the question thereon shall be confined to the general merits of the resolution.

RULES OF DEBATE

Time and Manner of Speaking

42. (1) A Member desiring to speak in the Assembly or in Committee of whole Assembly shall speak only from the seat allocated to him by the Speaker or if he is a

bencher, and he so desires at the Table. He shall rise in his place and if called upon shall address his observations to the Chair. No Member shall speak unless called upon by the Speaker or Chairman.

- (2) If two or more Members rise at the same time, the Speaker or Chairman shall call upon the Member who first catches his eyes.
- (3) No Member shall speak more than once to any question except:-
 - (a) in Committee; or
 - (b) in explanation as prescribed in paragraph (4) of this Standing Order; or
 - (c) in the case of the mover of a substantive motion, or an order of the day, only in reply
- (4) A Member who has spoken to a question may again be heard to offer an explanation of some material part of his speech which has been misunderstood; but he shall not introduce any new matter.
- (5) A Member speaking in reply must refer solely to observations which have been made during the course of the debates and shall not introduce any new argument. When such reply has been made, no other Member may speak.
- (6) A Member who has spoken may speak again when a new question has been proposed by the Speaker such as a proposed amendment or a motion for the adjournment of the debate.
- (7) No Member may speak to any question after the same has been fully put by the Speaker or Chairman. A question is fully put, when the Speaker or Chairman has collected the voices both of the "Ayes" and of the "Noes".
- (8) Speaker or Chairman may if he thinks fit, prescribe the time limit for speeches.

Language

42A. The proceedings and debates of the Legislative Assembly shall be in the Malay or English Language.

Contents of speeches

43. (1) A Member shall confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.
- (2) Reference shall not be made to any matter which is subjudice, except by means of or in the course of consideration of a Bill when reference may be made but only in such a way as will not in the opinion of the Speaker or Chairman prejudice the interests of parties thereto.
- (3) It shall be out of order to attempt to reconsider any specific question upon which the Assembly has come to a conclusion during the current session except upon a substantive motion for rescission.
- (4) It shall be out of order to use offensive and insulting language about Members of the Assembly.
- (5) No Member shall refer by name to any other Member. Ministers shall be referred to by the designation of the offices held by them.
- (6) No Member shall impute improper motives to any other Member.
- (7) The conduct or character of the Seri Paduka Baginda Yang di-Pertuan Agong, of any of the Rulers or Their Excellencies the Yang di-Pertua-Yang di-Pertua Negeri, of Judges or other persons engaged in the administration of justice, of members of the Armed Forces Council or of any Service Commission established under Part X of the Constitution, of Members of the Election Commission, or of sovereigns of friendly states shall not be referred to except upon a substantive motion moved for that purpose.

- (8) The personal conduct of Members of the Assembly shall not be referred to except upon a substantive motion moved for the purpose.
- (9) No reference shall be made to the conduct or character of any Member or of any public servant, other than his conduct in his capacity as a Member or as a public servant.
- (10) The proceedings and report of a Select Committee or Committee of the Assembly shall not be referred to before they have been presented to the Assembly.
- (11) It shall be out of order to use:-
 - (a) Treasonable words;
 - (b) Seditious words;
 - (c) Words which are likely to promote feelings of ill-will or hostility between different communities in the Federation or infringe any provision of the Constitution or Sedition Act, 1948.

Interruption

- 44. No Member shall interrupt another Member except:-
 - (a) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Speaker or Chairman for decision; or
 - (b) to elucidate some matter raised by the Member in the course of his speech, provided that the Member speaking is willing to give way and resumes his seat and that the Member wishing to interrupt is called by the Speaker or Chairman.

Seating and Behaviour

45. During a sitting:-

- (a) Members shall occupy seats allocated to them by the Speaker. The Speaker may change the allocation from time to time and the allocation of seats for Ministers and Assistant Ministers on the Government benches shall be on the advice of the Leader of the House.
- (b) All Members shall enter or leave the Chamber with decorum.
- (c) No Member shall cross the floor of the Chamber unnecessarily.
- (d) Members shall not read newspapers, books, letters, or other documents except such matters therein as may be directly connected with the business under debate.
- (e) While a Member is speaking all other Members shall be silent and shall not make interruptions except as permitted under the provisions of Standing Order No. 44 (Interruptions), and no Member shall pass between the Member speaking and the Chair.

Limitations on subjects of Debate etc.

46. Subject to the provisions of the law[†] and of these Standing Orders, any Member may introduce a Bill or propose any motion for debate or may present any petition.

Anticipation

47. (1) When the Assembly has ordered a Bill or any other matter to be considered upon a certain day, it shall be out of order for a Member:-
- (a) to move a motion or an amendment dealing with the subject matter of the Bill or that other order of the day;

- (b) to discuss the subject matter of the Bill or that other order of the day on a motion for the adjournment of the Assembly whether moved under Standing Order No. 23 (Adjournment on a definite matter or urgent public importance) or not, or on any other question before the Assembly.
- (2) When notice of a motion has been given, it shall be out of order to raise the subject matter of that motion in the form of an amendment to another motion or to discuss the subject matter to which the motion relates on a motion for the adjournment of the Assembly.
- (3) In determining whether a discussion is out of order on the grounds of anticipation, regard shall be had by the Speaker or Chairman to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

Closure of Debate

- 48. (1) After a question has been proposed a Member rising in his place may claim to move, "That the question be now put", and unless it appears to the Speaker or Chairman that such motion is an abuse of the rules of the Assembly, or an infringement of the rights of the minority, the question, "That the question be now put", shall be put forthwith and decided without amendment or debate, notwithstanding that the mover has had no opportunity to make his reply.
- (2) When the motion, "That the question be now put", has been carried, and the question consequent thereon has been decided, any Member may claim that any other question already proposed by the Speaker or Chairman be now put and if the assent of the Speaker or Chairman is given such questions shall be put forthwith and decided without amendment or debate.
- (3) Notwithstanding the provisions of Standing Order No. 11 (Presiding in the Assembly or Committee of the whole Assembly) this Standing Order shall be put in force only when in the Assembly the Speaker, or in the Committee the Speaker or Deputy Speaker, is in the Chair.

- (4) A question for the closure of debate shall not be considered to have been decided in the affirmative upon a division notwithstanding that the “Ayes” have it unless it appears by the numbers declared by the Speaker or Chairman that not less than one half of the total number of Members of the Assembly voted in the majority in support of the Motion.

RULES OF ORDER IN THE ASSEMBLY

Chair to be heard in silence

49. Whenever the Speaker or the Chairman speaks no Member shall enter or leave the Chamber and any Member then standing, speaking, or offering to speak, shall sit down, and the Assembly or Committee shall be silent so that the Speaker or the Chairman may be heard without interruption.

Decision of the Chair is final

50. (1) The Speaker in the Assembly or the Chairman in Committee shall be responsible for the observance of the rules of order in the Assembly and Committee respectively and his decision on any point of order shall not be open to appeal and shall not be reviewed by the Assembly except upon a substantive motion moved for that purpose. Notwithstanding anything in Standing Order No. 31 (Manner of Giving Notices) such a motion shall not require more than two clear days' notice.
- (2) The decision of Speaker upon any point of interpretation of any of these Standing Orders, or upon any matter of practice, shall, subject to a substantive motion moved for that purpose, be final, and Speaker may from time to time issue rulings thereon.
- (3) Where in making any decision there has been a failure on the part of the House or any Committee thereof to comply with any provision of the Standing Order in the proceeding leading to the decision, such failure shall be treated at an

irregularity and shall not nullify the proceedings or the decision resulting therefrom.

- (4) All matters not specifically in these Orders and all questions relating to the detailed working of these Orders shall be regulated in such manner, not inconsistent with these Orders, as Speaker may from time to time direct.

Irrelevance or repetition

51. The Speaker or the Chairman, after having drawn attention to the conduct of a Member, who persists in irrelevant, 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.

Disorderly conduct

52. The Speaker or the Chairman shall order any Member whose conduct is grossly disorderly to withdraw immediately from the Assembly during the remainder of the day's sitting; and the Serjeant at Arms shall act on such orders as he may receive from the Speaker or the Chairman in pursuance of this Standing Order. But if, on any occasion, the Speaker or the Chairman deems that his powers under the previous provisions of this Standing Order are inadequate, he may name such Member or Members in which event the same procedure shall be followed as is prescribed by Standing Order No. 53 (Order in Debate).

Order in Debate

53. (1) Whenever a Member has 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 willfully obstructing the business of the Assembly by abusing the rules of the Assembly, or otherwise, then, if the offence has been committed by such Member in the Assembly a motion shall forthwith be proposed by a Minister present "That Mr. be suspended from the service of the Assembly", and the Speaker shall forthwith put the question on the motion, no amendment, adjournment or debate being allowed; and, if the offence has been committed in Committee of the whole

Assembly, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the Assembly; and the Speaker shall on a motion being made as aforesaid forthwith put the same question, no amendment, adjournment or debate being allowed, as if the offence has been committed in the Assembly itself.

- (2) Not more than one Member shall be named at the same time unless two or more Members, present together have jointly disregarded the authority of the Chair.
- (3) If a Member is suspended under the provisions of this Standing Order, he shall be directed by the Speaker to withdraw. His suspension shall last for such period as may be determined by the Assembly.
- (4) If a Member, or two or more Members acting jointly, who have been suspended under this Standing Order from the service of the Assembly, shall refuse to obey the direction of the Speaker to withdraw, when severally summoned under the orders of the Speaker by the Serjeant at Arms to obey such direction, the Speaker shall call the attention of the Assembly to the fact that recourse to force is necessary in order to compel obedience to his direction. When the Member or Members named by him as having refused to obey his direction has or have been removed from the Assembly he or they shall thereupon without any further question being put be suspended from the service of the Assembly during the remainder of the session.
- (5) Nothing in this Standing Order shall be taken to deprive the Assembly of the power of proceeding against any Member according to any provision of the law * or under any other Standing Order.

Members suspended etc., to withdraw from precincts

54. Members who are ordered to withdraw under Standing Order No. 52 (Disorderly conduct) or who are suspended from the service of the Assembly under Standing Order No. 53 (Order in Debate) shall forthwith withdraw from the precincts of the Assembly and shall be excluded therefrom for the remainder of the sitting or for the period of their suspension as the case may be.

Powers of Speaker to adjourn or suspend the sitting

55. In the case of grave disorder arising in the Assembly the Speaker may, if he thinks it necessary so to do, adjourn the Assembly without putting any question, or suspend the sitting for a time to be fixed by him.

VOTING IN THE ASSEMBLY OR A COMMITTEE OF THE WHOLE ASSEMBLY

Collections of Voices

56. When the Speaker or Chairman has put the question at the conclusion of a debate, he shall collect the voices of the "Ayes" and "Noes" and provided that no Member then claims a division, shall declare the result in accordance with the provisions of the law *.

Procedure on Divisions

57. (1) When a division has been claimed, the Speaker or the Chairman shall direct that the division bells shall be rung.
- (2) The division bells shall thereupon be rung for at least two minutes.
- (3) Thereafter the Speaker or Chairman shall put the question a second time and if a division is again claimed, the Clerk shall call the names of Members in alphabetical order and shall enter on the Votes and Proceedings a record of each Member's vote and of the names of Members who abstain from voting.
- (4) When a Member's name is called by the Clerk at a division, the Member shall answer either by voting for the "Ayes" or the "Noes", or by expressly stating that he abstains from voting. A Member shall not answer in a manner inconsistent with any opinion which he may have expressed when the voices were taken collectively.
- (5) A Member may vote in a division although he did not hear the question put.

- (6) As soon as the Clerk has collected the votes, the Speaker or Chairman shall state the numbers voting for the “Ayes” and for the “Noes” respectively and the numbers abstaining and absent, and shall then declare the result of the division.
- (7) If, from the number of Members taking part in a division, including those Members who abstain from voting, it appears that a *quorum* is not present, the division shall be invalid, the business then under consideration shall stand over until the next sitting and the next business shall be entered upon.
- (8) No Member or stranger shall be admitted into the Chamber whilst a division is being taken.

Voting in error in a division

58. If a Member states that he voted in error, or that his vote has been counted wrongly, he may claim to have his vote altered, provided that such request is made as soon as the Speaker or Chairman has announced the numbers and before the Speaker or Chairman shall have declared the result of the division.

Procedure to disallow vote of Members having direct pecuniary interest.

59. (1) A motion to disallow a Member’s vote, on the ground that the Member has a direct pecuniary interest and the vote is not permitted by-law †, shall be made only as soon as the numbers of the Members voting on the question shall have been declared.
- (2) In deciding whether a motion to disallow a Member’s vote shall be proposed from the Chair, the Speaker or the Chairman shall have regard to the provisions of the law† and in particular whether the interest of the Member is direct and pecuniary or whether his vote was given on a matter of Government policy.
- (3) If the motion to disallow a Member’s vote is agreed to, the Speaker or the Chairman shall direct the Clerk to correct the numbers voting in the division accordingly.

PROCEDURE ON BILLS

Printing and Circulation of Bills

60. (1) The Clerk shall be responsible for the printing of every Bill from the draft handed to him by the Attorney-General or the Member in charge of the Bill and shall circulate a printed copy of every Bill to Members.
- (2) Before any Bill is printed the Clerk shall satisfy himself that:-
- (a) the Bill accords with the requirements of the law *;
 - (b) the Bill is divided into successive clauses consecutively numbered;
 - (c) to every clause there is annexed in the margin or above the clause a short indication of its contents.
- (3) The Clerk shall ascertain and advice the Speaker as to whether:-
- (a) the Bill is affected by the provisions of Standing Order No. 46 (Limitations on subjects of Debate etc.);
 - (b) the Bill contains anything foreign to what the title of the Bill imports;
 - (c) the Bill is a hybrid Bill and so affected by the provisions of Standing Order No. 65 (Hybrid Bills);
 - (d) if the Bill is a private Bill, the provisions of paragraphs (1) and (2) of Standing Order No. 81 (Private Bills) have been complied with; and
 - (e) the Bill is affected by the provisions of Article 79[†] of the Federal Constitution.

- (4) If the Bill involves expenditure of public money an indication of the cost shall be provided by the Member in charge of the Bill and shall be circulated with the Bill.

Publication in the *Gazette*

61. Every Bill, other than a private Bill, shall save in case of urgency to be certified in writing by the Yang di-Pertua Negeri, be published for general information in the *Gazette* at least seven days prior to its introduction into the Assembly.

Private Member's Bills

62. (1) Any Member may move for leave to bring in a Bill.
- (2) At least two clear day's notice shall be given of a motion for leave to bring in a Bill.
- (3) On a motion for leave to bring in a Bill, the Member who gave notice under the provisions of paragraph (2) of this Standing Order or any other Member who has signed the notice as a supporter of the Bill, shall move and in moving shall confine himself to a brief explanatory statement and, if opposed, the Members who oppose shall likewise confine themselves to brief statements, the Member moving having the right to reply in like manner.

Government Bills

63. (1) A Bill may be introduced on behalf of the Government without an order of the Assembly.
- (2) At least two clear days' notice shall be given of the introduction of a Bill on behalf of the Government.

Introduction, Presentation and First Reading

64. (1) In introducing a Bill, either in pursuance of an order of the Assembly or on behalf

of the Government, the Member in charge or any other Member who has signed the notice as a supporter of the Bill shall read aloud the long title of the Bill and shall thereafter present the Bill to the Clerk at the Table. The Clerk shall thereupon read aloud the short title of the Bill, which shall then be deemed to have read the first time without question put.

- (2) At the conclusion of the proceedings on the first reading of a Bill the Bill, without any question being put, shall be ordered to be read a second time on such sitting day as the Member presenting it shall name.

Hybrid Bills

65. (1) Where a Public Bill has been ordered to be read a second time and the Speaker is of the opinion that the Bill appears to affect prejudicially individual rights or interests (referred to in these Standing Orders as “a hybrid Bill”), the Bill shall, after being read a second time, be referred to a Select Committee before which any affected party who has presented a Petition to the Assembly under the provisions of Standing Order No. 18 (Petitions) may be heard upon that petition, either in person or by Counsel.
- (2) In the consideration of the Bill the Select Committee shall proceed in accordance with the provisions of paragraphs (4) and (5) of Standing Order No. 81 (Private Bills).

Second Reading

66. (1) On the order for the second reading of a Bill being read, a motion may be made, “That the Bill be now read a second time”, and a debate may arise covering the general merits and principle of the Bill.
- (2) On the second reading of a Bill, an amendment may be proposed to the question “That the Bill be now read a second time”, to leave out the word “now” and add, at the end of the question, “on this day six month”, or an amendment may be moved to leave out all the words after the word “That” in order to add words

stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the principle of the Bill and not deal with its details. If the Assembly agrees to the amendment in either of such forms, the second reading of the Bill shall be considered to have been negatived.

- (3) Upon the motion for the second reading being agreed to, the Clerk shall read aloud the short title of the Bill.

Committal of Bills

67. (1) When a Bill has been read a second time it shall stand committed to a Committee of the whole Assembly unless the Assembly on motion commits it to a Select Committee. Such motion shall not require notice, must be made immediately after the Bill is read a second time and may be proposed by any Member; the question thereon shall be put forthwith and shall be decided without amendment or debate.
- (2) If the question on a motion made under paragraph (1) of this Standing Order is negatived, the Speaker shall forthwith declare that the Bill stands committed to a Committee of the whole Assembly.
- (3) On a Bill being committed to a Committee of the whole Assembly, the Member in charge may either name a future sitting day to be appointed for the Committee stage to be taken or may forthwith move "That this Assembly will immediately resolve itself into a Committee on the Bill" and a debate on such a motion may rise.

Functions of Committees on Bill

68. (1) Any Committee to which a Bill is committed shall not discuss the principle of the Bill but only its details.
- (2) Any such Committee shall have power to make such amendments to the Bill as they shall think fit; provided that the amendments (including new clauses and

new schedules) are relevant to the subject matter of the Bill; but if any such amendments are not within the title of the Bill, they shall amend the title accordingly, and shall report the same to the Assembly.

Committee of the whole Assembly on a Bill

69. (1) Whenever the Assembly resolves that it will immediately resolve itself into a Committee on a Bill, or whenever an order of the day is read for the Assembly to resolve itself into such a Committee, the Speaker shall take the Chair in Committee, unless notice of an instruction to such Committee has been given, when such instruction shall be first disposed of.
- (2) If any Member before the conclusion of proceedings on a Bill in a Committee of the whole Assembly, moves to report progress and such motion is carried, the Chairman shall leave the Chair and the Assembly shall resume and the Member in charge of the Bill shall report progress to the Assembly and ask leave to sit again, and a future sitting day for the resumption of the proceedings shall be named by the Member in charge of the Bill.

Procedure in Committee of the whole Assembly on a Bill

70. (1) The Chairman in Committee of the whole Assembly on a Bill shall call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he shall propose the question "That the clause (or the clause as amended) stand part of the Bill" and, when all Members who wish to speak thereon have spoken he shall put that question to the Committee for its decision.
- (2) Notwithstanding the provisions of paragraph (1) of this Standing Order if during the consideration of a Bill in a Committee of the whole Assembly, the Chairman is of opinion that the principle of a clause and any matters arising thereon have been adequately discussed in the course of debate on the amendments proposed thereto, he may, after the last amendment has been disposed of, state

that he is of this opinion and shall then forthwith put the question that the clause (or, the clause as amended) stand part of the Bill.

- (3) (a) Except in the case of urgent Bills no amendment shall be proposed unless 24 hours notice thereof has been given:
Provided that if the Chairman is of opinion that an amendment is of a minor or purely drafting character, or is consequential on a previous amendment he may, with the general assent of Members present, permit it to be moved without notice.

(b) Any proposed amendment of which notice has not been given shall be handed to the Chairman in writing if the Chairman so requires.
- (4) Amendments of which notice has been given under the provisions of paragraph (3) of this Standing Order shall be arranged by the Clerk so far as may be in the order in which they will be proposed.
- (5) No amendment shall be moved which is inconsistent with any clause already agreed upon or any decision already come to by the Committee, and the Chairman may, at any time during the discussion of a proposed amendment, withdraw it from the consideration of the Committee if in his opinion the discussion has shown that the amendment contravenes the provisions of this paragraph.
- (6) The provisions of Standing Order No. 38 (Manner of debating motions) and Standing Order No. 39 (Manner of debating amendments to motions) shall apply to the discussion of amendments to Bills, with the substitution where appropriate of the word "clause" for the word "motion" or the word "question" and of the word "Chairman" for the word "Speaker" throughout; and any amendment proposed to such an amendment shall be dealt with before a decision is taken on the original amendment.
- (7) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. A postponed clause shall, in the absence of an order to the

contrary, be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.

- (8) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and, in the absence of an order to the contrary, before consideration of any schedule to the Bill:

Provided that a new clause proposed in substitution for the clause which has been disagreed to may be considered immediately after such disagreement.

- (9) On a new clause being offered, the Chairman shall desire the Member offering the same to bring it up, whereupon the Clerk shall read aloud the title to the new clause which shall then be deemed to have been read a first time.

The question shall then be proposed "That the clause be read a second time"; If this is agree to, amendments may then be proposed to the new clause. The final question to be proposed shall be "That the clause (as amended) be added to the Bill".

- (10) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules to the Bill have been disposed of, and shall be treated in the same manner as a new clause.

- (11) After all clauses and schedules have been gone through any Member may, with the leave of the Chairman move an amendment to a clause or schedule already passed, provided that the amendment is made necessary by any other amendment already made to the Bill.

- (12) When every clause and schedule and proposed new clause or new schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this preamble (as amended) be the preamble to the Bill". No amendment to the preamble shall be considered which is inconsistent with the provisions of the Bill as passed by the Committee.

- (13) if any amendment to the long title of the Bill is made necessary by the provisions of the Bill as passed by the Committee, it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the long title (as amended) stand part of the Bill; nor shall any question be put upon the enacting formula.
- (14) At the conclusion of the proceedings in Committee, the Chairman shall say, "Bill to be reported".

Procedure on Bills reported from a Committee of the whole Assembly

71. (1) So soon as a Bill is to be reported from a Committee of the whole Assembly, the Chairman shall leave the chair without question put and, upon the Assembly resuming, the Member in charge shall report "That the Bill has been considered in Committee and agreed to without (with) amendments".
- (2) The Member in charge of the Bill may thereupon move, "That the Bill be now read a third time" or may name a future sitting day to be appointed for the third reading.

Recommittal of Bill reported from a Committee of the whole Assembly

72. (1) If any Member desires to delete or amend any provisions contained in a Bill as reported from a Committee to the whole Assembly or to introduce any new provisions therein he may, at any time before a Member rises to move the third reading of the Bill, give notice either:-
 - (a) that he wishes to propose amendments to the Bill at large; or
 - (b) that he wishes to propose amendments to any particular part or parts of the Bill or to introduce any new clause or new schedule.
- (2) When a Member has given notice that he wishes to propose amendments to the Bill at large, the whole shall stand recommitted.

- (3) When a Member has given notice that he wishes to propose amendments to any particular part or parts of the Bill or to introduce any new clause or new schedule, the Bill shall stand recommitted in respect only of such particular part or parts of the Bill and of any such new clause or new schedule.
- (4) Upon a Bill being recommitted under the provisions either of paragraph (2) or of paragraph (3) of this Order, the Assembly shall thereupon either, with the general assent of Members present to dispensing with such notice as may be required for amendments under the provisions of paragraph (3) of Standing Order No. 70 (Procedure in Committee of the whole Assembly on a Bill) forthwith or failing such assent, upon a future sitting day to be named by the Member in charge of the Bill, resolve itself into a Committee to consider the business so recommitted.
- (5) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in Standing Order No. 70 (Procedure in Committee of the whole Assembly on a Bill).
- (6) Immediately a Bill has been recommitted in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule, the Speaker shall call upon any Member who wishes to propose any other amendment or to propose any other new clause or new schedule to give notice thereof, and (subject to the provisions of paragraph (4) of this Order) any part or parts of the Bill affected by any such amendment or any new clause or new schedule notice of which is received at any time before the Assembly resolves itself into a Committee on the recommitted matter, shall also stand referred to the Committee, and the Committee shall consider all matters recommitted to it under the provisions of paragraph (3) of this Order and of this paragraph and any amendment which may be proposed thereto.
- (7) At the conclusion of the proceedings in the Committee, the Chairman shall say, "Bill to be reported".
- (8) So soon as the Bill is to be reported from the Committee, the provisions of Standing Order No. 71 (Procedure on Bills reported from a Committee of the

whole Assembly) shall apply; but, except with the general assent of Members present, no further notice of amendment in relation to the Bill under the provisions of paragraph (1) of this Order shall be received.

Procedure in Select Committee on a Bill

73. (1) A Select Committee on a Bill shall be subject to all the provisions of Standing Order No. 92 (Vacancies in Select Committees) No. 93 (Procedure of Select Committees). No. 94 (Voting in Select Committees) and No. 95 (Reports from Select Committees), but before reporting the Bill to the Assembly it shall go through the Bill as provided in Standing Order No. 70 (Procedure in Committee of the whole Assembly on a Bill).
- (2) The deliberations and enquiries of the Select Committee shall be confined to the Bill and relevant amendments.
- (3) When a Bill has been amended in a Select Committee the whole text of the Bill as amended shall be printed as part of the report of the Select Committee.

Advertisement when Bill committed to a Select Committee

74. Unless the Assembly otherwise orders, upon a Bill being committed to a Select Committee, the Clerk shall as soon as practicable thereafter advertise in such newspapers as the Speaker may direct, inviting written representations on the Bill to be sent to him within not less than a period of fifteen days from the date of the advertisement and requesting the representators to state whether they are prepared, if invited, to appear before the Select Committee to give evidence in support of or supplementary to their written representations.

Procedure on Bills reported from a Select Committee

75. When a Bill has been reported from a Select Committee, the Member in charge of the Bill may give two clear days' notice naming a future sitting day to be appointed for the third reading, such sitting day to be not less than seven clear days after the report has

been made available to Members.

Recommittal of Bill reported from a Select Committee

76. At any time before a Member rise to move the third reading of a Bill reported from a Select Committee, the provisions of Standing Order No. 73 (Recommittal of a Bill reported from a Committee of the Whole Assembly) subject to the following proviso, may be applied *mutatis mutandis*, and on recommittal the Bill shall be recommitted to a Committee of the whole Assembly. Provided that no Bill reported from a Select Committee shall be recommitted in the first instance unless notice as may be required for amendments under the provisions of a paragraph (3) of Standing Order No. 71 (Procedure in the Committee of the Whole Assembly on a Bill) has been given.

Third Reading

77. (1) On the third reading of a Bill amendments may be proposed to the question “That the Bill be now read a third time” similar to those which may be proposed on second reading; but the debate shall be confined to the contents of the Bill and any reasoned amendment which raises matters not included in the Bill shall be out of order.
- (2) Amendments for the correction of errors or oversights may, with the Speaker’s permission, be made before the question for the third reading of the Bill is put from the Chair, but no amendments of a material character shall be proposed.
- (3) Upon the motion for the third reading being agreed to, the Clerk shall read aloud the short title of the Bill.

- (4) When a Bill has been read the third time a printed copy, certified by the Speaker or in his absence the Deputy Speaker to be a true copy of a Bill passed by the Assembly, shall be submitted by the Clerk to the Yang di-Pertua Negeri for his assent.

Withdrawal of Bills

78. Either before the commencement of public business or on the order of the day for any stage of a Bill being read, the Member in charge of a Bill may, without notice, move a motion that the order be discharged and the Bill be withdrawn.

Bills containing substantially the same provisions

79. (1) Subject to the provisions of paragraph (2) of this Standing Order, Bills relating to the same subject and containing substantially the same or similar provisions may be introduced and presented during the same session and be read the first time.
- (2) Once the second reading of any such Bill has been agreed to or negated, no question shall be proposed during the same session for the second reading of any other such Bill; nor may any other such Bill be introduced on a motion for leave to bring in the Bill or otherwise.
- (3) If a Bill has been withdrawn after having made progress, another Bill relating to the same subject and containing substantially the same or similar provisions may be proceeded with or be introduced on a motion for leave to bring in the Bill or otherwise.

Urgent Bills

80. (1) Subject to the provisions of the law and notwithstanding the provisions of any Standing Order other than Standing Order No. 85 (Business of Supply), a Minister may, if it is essential for reasons of national importance that a Bill be proceeded with, with all possible dispatch, move "That the Bill be considered an urgent Bill". No amendment shall be allowed.

- (2) if a motion under paragraph (1) of this Standing Order is agreed to in respect of a proposed Bill or a Bill which has already been introduced, the Bill to which the motion relates may in the case of a proposed Bill be introduced forthwith and in either case may, provided that typed or printed copies are available for the use of Members, be proceeded with throughout all its stages until such Bill has been read the third time.

Private Bills

81. (1) Where any Member proposes to move for leave to bring in a Bill which is intended to promote the interest of some particular person, association, or corporate body (referred to in these Standing Orders as "a private Bill"), he shall give notice of the Bill by not less than three successive publications of the Bill in the *Gazette* before its introduction into the Assembly. The Member giving notice of the motion for leave to bring in the Bill shall at the same time deliver to the Clerk one copy each of the aforesaid publications of the Bill in the *Gazette*.
- (2) No Private Bill shall be brought in except after the payment of any fees prescribe by the Assembly and upon Petition from the Promoters, stating the nature and objects of the Bills, and alleging concisely any reasons which the promoters think fit to urge.
- (3) Every private Bill shall, after being read a second time, be referred to a Select Committee, before which any affected party who has presented a Petition to the Assembly under the provisions of Standing Order No. 16 (Petitions) may be heard upon that Petition, either in person or by Counsel.
- (4) Every Select Committee on a private Bill shall require proof of the facts and other allegations set forth in the Bill and may take such oral or other evidence as it may think requisite, and thereafter if the Committee finds that the said facts and allegations are not proved it shall report accordingly.

- (5) If the Committee finds that the said facts and allegations have been proved, the Committee shall proceed as provided in Standing Order No. 74 (Procedure in Select Committee on a Bill), and in respect of all material amendments which it makes shall describe their purport in its report to the Assembly. No clause affecting any private right of interest shall be allowed in the Bill unless circumstances are set forth in the Bill which render such clause justifiable and expedient.
- (6) In the case of a private Bill the Committee shall not allow any new clause to be inserted which is outside the terms of the notice in the *Gazette*.
- (7) All expenses incurred in the printing and publication of any private Bill shall be paid by the promoters of that Bill.
- (8) After the Bill has been reported from the Select Committee, a copy of the Report thereof shall be sent to the Promoters together with notice of the date appointed for the third reading of the Bill. If notice has been received from the Promoters that they wish to abandon the Bill, the Member in charge shall withdraw the Bill under the provisions of Standing Order No. 79 (Withdrawal of Bills).

FINANCIAL PROCEDURE

Annual Budget

Amended LA 8/77

82. (1) Upon the statement of estimated receipts and expenditure in respect of any financial year (hereinafter referred to as "the main estimates" which expression shall include the development estimates) being laid before the Assembly as required by law *, the Clerk shall send a copy of such statement to each Member together with any report thereon as may be prepared by the State Minister of Finance.

Amended LA 2/2000

- (2) A Statement and the Draft estimates of Government expenditure for the succeeding year shall be laid upon the Table before the introduction into the House of the annual Supply Bill.
- (3) At the sitting at which the main estimates are to be considered a Minister shall move "That the Assembly approves the financial policy of the Government for the year" The debate thereon shall thereupon stand adjourned for not less than one clear day, and when resumed shall be confined to the general principles of Government policy and administration as set forth by the Minister in moving the motion and as indicated in the main estimates.

Amended LA 2/2000

- (4) The Speaker shall provide for the days allotted for the continuation of the debate and on such allotted day the provisions of paragraphs (2) and (3) of Standing Order No. 85 (Business of Supply) shall apply *mutatis mutandis*. At the end of the time permitted on such allotted day, the Speaker shall put any questions necessary to bring the proceedings to a conclusion.

Committee of Supply

83. There shall be a Committee of the whole Assembly to be called the Committee of Supply for the consideration of all matters referred to it under the provisions of these Standing Orders or by the Assembly.

Business of Supply

84. (1) For the purposes of this Standing Order, the business of Supply shall consist of proceedings on the main estimates, supplementary estimates, and Supply Bills and the consideration of reports from the Public Accounts Committee.

- (2) On a day allotted to the business of Supply, the business of Supply shall stand as the first order, and so long as the business of Supply has not been completed, no business other than the business of Supply shall be taken after 11.00 a.m. or before 4.15 p.m. and except in pursuance of Standing Order No. 23 (Adjournment on a definite matter of urgent public importance) no business of Supply shall be taken after 4.15 p.m. whether an order exempting business from interruption under Standing Order No. 8 (Exempted Business) is in force or not, unless the Assembly otherwise orders on the motion of a Minister moved at any time between 3.15 p.m. and 3.45 p.m. to be decided without amendment or debate:

Provided that upon any complaint or motion affecting the powers and privileges of the Assembly being raised or moved under the provisions of Standing Order No. 91 (Committee of Privileges), proceedings on the business of Supply shall be postponed until such complaint or motion has been disposed of:

Provided further that the period of time so occupied in the disposal of such complaint or motion shall be added to the time available or fixed for the business of Supply which has been so interrupted or postponed, and if necessary, the proceedings thereon shall be exempted from the provisions of Standing Order No. 3 (Moment of Interruption) for a period of time equal to the period of time occupied in the disposal of such complaint or motion, upon the day allotted for such business of Supply or upon the last allotted day, as the case may be, and may be resumed and proceeded with at or after the moment of interruption on such day.

- (3) No dilatory motion, including a motion for the adjournment of a debate or a motion that the Chairman do report progress or do leave the Chair, shall be moved in proceedings on the business of Supply, and the business shall not be interrupted under any Standing Order other than this Standing Order.

Main estimates

85. (1) Upon the main estimates being laid before the Assembly, they shall stand referred to the Committee of Supply.
- (2) The Speaker shall fix and provide the days for the consideration and discussion of the main estimates.
- (3) Subject to the provisions of paragraph (2) of Standing Order No. 83 (Annual Budget Statement), the Member in charge shall give such notice of the days so allotted as shall permit not less than five clear days to elapse after the date of the notice and before the first allotted day.
- (4) In respect of any head of expenditure to be considered in Committee of Supply any Member may give notice of his intention to move an amendment to reduce by a token amount of RM100.00 the total sum to be allocated for any head of expenditure, or to reduce by the whole sum or by a token amount of RM10 the sum to be allocated for any head of expenditure in respect of any subhead or item therein. No amendment may be moved to any such amendment. Notice of any such amendment shall be given at least two clear days before the first allotted day.
- (5) No amendment to increase the sum to be allocated for any head of expenditure or that any traditional Head or subhead be included shall be moved except by a Minister. Notice of any such amendment shall be given at least two clear days before the first allotted day.
- (6) The Speaker or in his absence the Deputy Speaker shall fix the time on any allotted day at which the consideration of any head of expenditure, in respect of which amendment stands on the Order Paper, shall, if not previously disposed of, be concluded. If the time so fixed is reached before the head concerned is disposed of, the Chairman shall forthwith put every question necessary to dispose of that head.

- (7) In the case of each of expenditure, in respect of which an amendment stands on the Order Paper, the Chairman shall first call the title thereof. He shall then call upon the Member in whose name it stands to move the first amendment standing on the Order Paper in respect of that head and when that amendment has been disposed of shall in like manner call successively upon any other Members in whose names amendments to that head stand on the Order Paper.
- (8) An amendment in respect of an item shall be placed upon the Order Paper before an amendment in respect of the subhead of which that item forms part and an amendment in respect of a subhead shall be placed upon the Order Paper before an amendment to reduce the total sum allocated for the head of which the subhead forms part. When notice has been given of several amendments in respect of the same item of subhead, or to reduce the total sum allocated for the same head, the amendment seeking the smallest reduction shall in each case be placed first on the Order Paper.
- (9) When every amendment standing on the Order Paper in respect of any particular head of expenditure has been disposed of the Chairman shall put the question, "That the sum RM..... for head stand part of the Estimates", (or the amended question, "That the (increased) (reduced) sum of RM..... for head stand part of the Estimates") and that question shall be decided without debate.
- (10) (a) If every head of expenditure in respect of which an amendment stood upon the Order Paper has been disposed of at least five minutes before the end of the time permitted on the last allotted day, the Chairman shall proceed forthwith to put the question, "That the sum of RM for head stand part of the Estimates" in respect of the remaining heads of expenditure and every such question shall be decided without debate.

(b) When every head of expenditure has been disposed of, the Chairman shall put the question "That the sum of RM shall be

supplied to the Government (to complete the sum necessary)* under the heads of expenditure for the public services shown in the Estimates (as amended) contained in Paper" and the question shall be decided without debate.

- (c) Upon that question being agreed to, the Chairman shall say "Resolution to be reported" and shall leave the Chair without question put.
- (11) If any head of expenditure in respect of which an amendment stood on the Order Paper is still under consideration five minutes before the end of the time permitted on the last allotted day, the Chairman shall forthwith put every question necessary to dispose of any amendment to that head which has already been moved and of the head itself. The Chairman shall then forthwith put every question necessary to dispose of every remaining head and the question upon the whole Estimates, no amendment or debate being permitted in respect of any such question; and upon the last question being agreed to, he shall say "Resolution to be reported", and shall leave the Chair without question put.
- (12) Upon the Assembly resuming, the Member in charge shall report "That the Committee of supply have come to a certain resolution". The Clerk shall thereupon read the resolution and the Member in charge shall forthwith move, "That the Assembly doth agree with the Committee on the said resolution". The question upon the motion shall be put and decided without amendment or debate.

Supply Bill

- 86. (1) Upon the introduction of a Supply Bill necessitated by Law *, the procedure upon the Bill shall be as provided in this Standing Order and the provisions of Standing Order No. 62 (Publication in the Gazette) and of paragraph (2) of Standing Order No. 64 (Government Bills) shall not apply.

- (2) (a) One day shall be allotted for the second and third readings of the Bill
 - (b) The debate on the second reading of the Bill shall be confined to the general principles of Government policy and administration in relation to the services indicated in the Bill.
 - (c) Amendments consequential on the resolutions of the Committee of Supply may be made before the question for the third reading of the Bill is put from the Chair.
- (3) When a Bill has been read a second time, a motion for the third reading shall thereupon be made by the Member in charge. Such motion shall be decided without debate.
 - (4) At the end of the time permitted on the allotted day, the Speaker shall put any questions necessary to bring the proceedings upon the Bill to a conclusion.

Supplementary Estimates

- 87. (1) Upon supplementary Estimates (which expression shall include Supplementary Development Estimates+) being laid before the Assembly as required by law,*:-
 - (a) if such Supplementary Estimates relate to Supplementary expenditure, they shall stand referred to the Committee of Supply; or
 - (b) if such Supplementary Estimates relate to excess expenditure,-
 - (i) they shall stand referred to the Public Accounts Committee; and
 - (ii) upon the report of the Public Accounts Committee being presented to the Assembly, the report and the Supplementary Estimates shall stand referred to the Committee of Supply.

- (2) One day shall be allotted for the consideration of the estimates or of the report and the estimates as the case may be.
- (3) The Member in charge shall, upon or after the presentation of the estimates or after the report has been made available to Members, as the case may be, give not less than ten clear days notice of such allotted day.
- (4) On the consideration of the estimates or of the report and the estimates, as the case may be, the provisions of paragraphs (4) to (12) inclusive of Standing Order No. 86 (Main Estimates) shall apply *mutatis mutandis*.

SELECT COMMITTEES

Standing Committee

88. (1) There shall be a sessional Select Committee to be known as the Standing Committee, appointed as soon as practicable after the beginning of the every session.
- (2) The Committee shall consists of the Speaker as Chairman and seven Members to be appointed by the Assembly in such manner as shall ensure that as far as is possible, the balance between the Government benches and the Opposition benches in the Assembly is reflected in the Committee.
- (3) It shall be the duty of the Committee to consider from time to time and report on all matters relating to the Standing Orders. If a notice of motion involves any proposal for the amendment of any Standing Order, the notice shall be accompanied by a draft of the proposed amendment and the motion when proposed shall stand referred, without any question being proposed thereon, to the Committee, and no further proceedings shall be taken on any such motion until the Committee has reported thereon.

- (4) It shall also be the duty of the Committee to consider and advise the Speaker upon all matters connected with and relating to the comfort and convenience of Members.
- (5) It shall also be the duty of the Committee to consider all petitions referred to it under the provisions of Standing Order No. 18 (Petitions), to classify such petitions, prepare abstracts thereof in such form and manner as shall appear to its best suited to convey to the Assembly all requisite information respecting their contents and the signatures attached thereto, and to report the same from time to time to the Assembly.
- (6) The Committee shall also perform the functions allotted to it by these Standing Orders and shall consider and report on all other matters as the Assembly may from time to time refer to it.
- (7) The Committee shall have power to send for persons, papers and records.

Public Accounts Committee

89. (1) There shall be sessional Select Committee to be known as the Public Accounts Committee as required by law*.
- (2) The Committee shall consist of a Chairman to be appointed by the Speaker, and not more than seven Members to be appointed by Standing Committee as soon as may be after its appointment, in such manner as shall ensure that, so far as is possible, the balance between the Government benches and the Opposition benches in the Assembly is reflected in the Committee.
- (3) It shall be the duty of the Committee to examine the accounts in accordance with the law[†], together with the Auditors' report thereon.
- (4) The Committee shall have power to send for persons, papers and records.

Committee of Privileges

90. (1) There shall be a sessional Select Committee to be known as the Committee of Privileges.
- (2) The Committee shall consists of the Speaker as Chairman and seven Members to be nominated by the Standing Committee as soon as may be after its appointment, in such manner as shall ensure that, so far as is possible, the balance between the Government benches and the Opposition benches in the Assembly is reflected in the Committee.
- (3) There shall be referred to the Committee any complaint of breach of privileges or any matter which appears to affect the powers and privileges of the Assembly, and it shall be the duty of the Committee to consider any such matters to it referred, and to report on them to the Assembly.
- (4) The Speaker shall, in the event of any Member of the Committee being a complaint or being complained against, or being involved in the matter referred to the Committee, suspend him from the service of the Committee when the Committee deals with such matter until such time as the committee has reported upon the matter to it referred. Upon such suspension, the Speaker shall nominate another Member in the place of such Member on the Committee. Such other Member shall cease to be a Member of the Committee after the Committee has reported upon the matter to it referred.
- (5) Whenever the Assembly is sitting any Member may rise at any time to make complaint alleging a breach of privilege suddenly arising, and if the Speaker is satisfied that the matter complained of *prima facie* affects the privileges of the Assembly and that it has been raised at the earliest opportunity, the same shall stand referred, without any question, to the Committee and no further proceedings shall be taken in the matter until the Committee has reported thereon.

- (6) Whenever the Assembly is not sitting, a Member may make a complaint in writing to the Speaker alleging a breach of privilege, and if the Speaker is satisfied that the matter complained of *prima facie* affects the privileges of the Assembly and that it has been raised at the earliest opportunity, he shall refer such matter to the Committee which shall report thereon to the Assembly.
- (7)
 - (i) Upon a motion complaining of a breach of privilege or affecting the powers and privileges of the Assembly being moved, the same shall stand referred, without any question being proposed thereon, to the Committee and no further proceedings shall be taken on such motion until the Committee has reported thereon.
 - (ii) Such a motion may be moved without notice if the Speaker is satisfied that the matter raised does *prima facie*, affect the powers and privileges of the Assembly and has been raised at the earliest opportunity.
- (8) The leader of the House shall, upon receiving notice from the Clerk that copies of a report from the Committee have been made available to Members, give notice of a motion expressing the opinion of the Assembly in regard to the report. The provisions of paragraph (5) of Standing Order No. 96 (Reports from Select Committees) shall not apply to a report from the Committee.
- (9) Any motion complaining of a breach of privilege of affecting the powers and privileges of the Assembly and any motion relating to a report of the Committee shall take precedence over public business shall be moved at the time appointed by Standing Order No. 13 (Order of Business).
- (10) Nothing in this or any other Standing Order shall be taken to deprive the Assembly of the power to deal summarily in accordance with these Standing Orders or any provisions of law, with any breach of privilege committed in the actual view of the Assembly or in the precincts thereof when the Assembly is sitting or in any committee of the Assembly.

- (11) The expression “breach of privilege” shall include any contempt of the Assembly, and the expressions “powers and privileges of the Assembly” or “privileges of the Assembly” shall include the powers and privileges or the privileges of the Speaker, the Members and the committees of the Assembly.
- (12) The Committee shall have power to send for persons, papers and records.

Other Select Committees

91. (1) A Select Committee other than a sessional Select Committee or Select Committee on a Bill shall be appointed on motions made after notice given, and shall unless the Assembly otherwise orders, consist of such Members as may be nominated by the Standing Committee in such manner as shall ensure that, so far as is possible, the balance between the Government benches and the Opposition benches in the Assembly is reflected in the Committee.
- (2) Unless the Assembly appoints the Chairman, a Select Committee shall elect its own Chairman. If the Chairman appointed by the Assembly or so elected by the Committee is unable to be present at any meeting, the Committee shall elect another Chairman whose tenure of office shall be for the day of his election only.

Vacancies in Select Committee

92. The Speaker may, in the case of the death or unavoidable absence of a Member or in the event of a Member ceasing to be a Member of the Assembly, nominate another Member to take the place of such Member on any Select Committee. As soon as may be after such nomination the Clerk shall give notice thereof to Members and every such nomination shall be announced to the Assembly at its next sitting.

Procedure of Select Committee

93. (1) Unless otherwise provided in other Standing Orders, this Standing Order and the following Standing Orders shall apply to all Select Committee including sessional Select Committee.
- (2) A Select Committee shall have power to send for persons, papers and records, and shall have leave to report its opinion and observations, together with the minutes of evidence taken before it to the Assembly.
- (3) Unless the Assembly otherwise directs, three Members (besides the Chairman), or if the number of the Select Committee does not exceed four, two Members (besides the Chairman) shall be the *quorum*. If at any time, a *quorum* shall not be present, the proceedings of the Committee shall be present, the proceedings of the Committee shall be suspended until a *quorum* be present, or the Committee shall stand adjourned.
- (4) Strangers may with the general assent of Members present be admitted to a Select Committee except when the Committee is deliberating. Admission shall be subject to such rules as the Speaker may make from time to time.
- (5) The deliberations of a Select Committee shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof made by the Assembly.
- (6) The first meeting of a Select Committee shall be at such time and place as the Chairman in the case of a Sessional Select Committee, or the Speaker in the case of any other Select Committee, shall appoint. Such subsequent meetings shall be held at such time and place as the Committee may determine:-
Provided that:-

- (a) if the Committee fails to do so the Chairman shall, in consultation with the Clerk of the Assembly, appoint such time and place; and
 - (b) no Select Committee shall meet outside the Assembly building unless power so to do has been specifically given to that Committee by the Assembly.

- (7) Except by leave of the Assembly no Select Committee shall sit while the Assembly is sitting. Should a Select Committee be unable to sit by reason of the Assembly sitting at a time appointed for a meeting of the Select Committee, the Chairman of the Select Committee shall, in consultation with the Clerk, appoint some other time and place for such meeting.

- (8) A Select Committee may continue its investigations although the Assembly may be adjourned.

- (9) The Clerk of the Assembly or his deputy appointed by him shall be the Clerk to every Select Committee.

- (10) When it is intended to examine any witnesses, the Member of the Assembly or in the case of a Private or hybrid Bill, the petitioner requiring such witnesses shall deliver to the Clerk, in sufficient time to enable such witnesses to be summoned, a list containing their names, residences, and occupations. The Clerk shall then summon such witnesses on behalf of the Assembly, in accordance with the provisions of the law*. A witness who does not reside within five miles of the Assembly building shall be paid or have tendered to him the sum of RM25 per day for his expenses and in addition shall be reimbursed the cost of transport reasonably incurred by him.

- (11) A copy of the minutes of the evidence of every witness shall be sent to him. If the witness does not, in writing addressed to the Clerk seek to make any change in the minutes of evidence within seventy-two hours from the time when the copy of the minutes was despatched, the minutes shall be printed without correction. Any dispute as to the correctness of the minutes of evidence and any request for

any material change in the minutes of evidence shall be referred to the Chairman who shall rule thereon and shall direct that the minutes be printed in accordance with his ruling which shall not be called in question.

- (12) The Committee may at its discretion refuse to hear any irrelevant evidence or any recalcitrant witness and may reject any irrelevant representation.
- (13)
 - (a) Any Member of a Select Committee may bring up a report for its consideration, and all such reports shall be entered in full upon the minutes of the Committee. When all the reports have been brought up, the Chairman shall propose the reports in turn until one is accepted as basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairman on any report shall be "That the Chairman's (or Mr.'s) report be read a second time paragraph by paragraph". When this question has been agreed to, it shall not be proposed on any further reports, but any portions thereof may be offered as amendments to the report under consideration if they are relevant on it.
 - (b) The Committee shall then proceed to go through (1) to (11) paragraph by paragraph and the provisions of the paragraphs (1) to (11) of Standing Order No. 71 (Procedure in Committee of the whole Assembly on a Bill) other than the provision requiring two clear days' notice of amendments shall apply to such consideration as if the report were a Bill and the paragraphs thereof the clauses of the Bill.
 - (c) Upon the conclusion of the consideration of the report paragraph by paragraph and when all proposed new paragraphs have been considered the Chairman shall put the question "That this report be the report of the Committee to the Assembly".
- (14) In a Select Committee on a Bill, the Chairman shall have all the powers of a Chairman of a Committee of the whole Assembly on a Bill.

Voting in Select Committee

94. (1) All questions in Select Committees shall be decided by a majority of votes.
- (2) No Member may speak to a question after the same has been fully put by the Chairman.
- (3) The question is fully put when the Chairman has collected the voices both of the “Ayes” and of the “Noes”.
- (4) When the Chairman has put the question he shall collect the voices of the “Ayes” and “Noes” and provided that no Member then claims a division, shall declare the result.
- (5) Every division in a Select Committee shall be taken by the Clerk to the Committee asking each Member of the Committee separately how he desires to vote and recording the votes accordingly.
- (6) In taking the division, the names of all Members of the Committee shall be called in alphabetical order.
- (7) When a division is claimed, it shall be taken by voices “Ayes” and “Noes”. The Clerk to the Committee shall enter in the Minutes of Proceedings a record of each Member’s vote and of the names of Members who abstain from voting. A member shall not vote in a manner inconsistent with any opinion which he may have expressed when the voices were taken collectively.
- (8) As soon as the Clerk has collected the votes the Chairman shall state the number of Members voting for the “Ayes” and “Noes” respectively and shall then declare the result of the division. The Chairman shall vote in the same manner and to the same extent as is permitted to him when in the Assembly or in the Committee of the whole Assembly. When on a division the votes are equal, the question shall pass in the negative.

- (9) If a Member of the Committee states that he voted in error or that his vote has been wrongly counted he may claim to have his vote altered, provided that such request is made as soon as the Chairman has announced the numbers and before he shall have declared the result of the division.
- (10) The provisions of Standing Order No. 60 (Procedure to disallow vote of Member having a direct personal pecuniary interest) shall apply to divisions under this Standing Order.

Reports from Select Committee

95. (1) Every Select Committee shall make a report to the Assembly upon the matters referred to it before the end of the session in which the Committee was appointed, and if a Committee finds itself unable to conclude its investigations before the end of the session it shall so report to the Assembly.
- (2) A Select Committee shall have leave to make a special report relating to the powers, functions and proceedings of the Committee on any matters which it may think fit to bring to the notice of the Assembly.
- (3) A report or special report together with the Minutes of Proceedings of a Select Committee and the minutes of any evidence taken before that Committee shall be presented to the Assembly by the Chairman or other Member deputed by the Committee.
- (4) The Minutes of Proceedings of a Committee shall record all proceedings upon the consideration of any report or Bill in the Committee and upon every amendment proposed to such report of Bill together with a note of any division taken in the Committee and of the names of Members voting therein or abstaining from voting.
- (5) Any Member may after not less than seven clear days' notice move in the Assembly that the report of a Select Committee, other than a report of a Select Committee on a Bill, be adopted.

MISCELLANEOUS

Speaker's Power

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96. Notwithstanding the provisions of these Standing Orders as to motions and notices, if an act or omission of a Member is manifestly dishonourable, an abuse of privilege or a contempt, the Speaker may, after giving an opportunity to the Member to show cause why he should not be reprimanded, admonished, or suspended, put the question of his reprimand, admonishment or suspension to the Assembly, and the Speaker shall act in accordance with a majority decision of the Assembly. Any such suspension shall be from the service of the Assembly for the remainder of the current session of the Assembly or for any part thereof.

Suspension of Standing Orders

- 96A. A question, the object or effect of which may be to suspend any Standing Orders of the Assembly, shall be proposed only either after notice given or after the expression of the general assent of the Assembly.

Gavel

- 96B. The Assembly shall have a gavel. The Speaker shall knock three (3) times before the commencement and after the Assembly being adjourned. The Speaker may use the gavel to attract the attention of the members in the event of any disorder arises or any member disregards the authority of the Speaker or the Chair by repeating his own arguments in the debate.

Absence of Members

97. Apart from the provisions of the law*, a Member shall acquaint the Clerk as early as possible of his inability to attend any sitting of the Assembly.

Employment of Members in Professional Capacity

98. No Member of the Assembly shall appear before the Assembly or any Committee thereof as Counsel or Solicitor for any party, or in any capacity for which he is to receive a fee or reward.

Strangers

99. (1) Strangers may be admitted to debate in the Assembly under such order as may be issued by the Speaker under the law[†].
- (2) If any Member take notice that Strangers are present, the Speaker, or in Committee the Chairman, shall put forthwith the question "That strangers to withdraw", without permitting any debate or amendment.
- (3) When strangers have withdrawn pursuant to an order of the Assembly, any Member may without notice move "That strangers be now admitted" and the Chairman shall forthwith put the question without permitting any debate or amendment. A Member who has made such a motion shall not be entitled to move any similar motion during the same sitting.
- (4) The Speaker, or the Chairman, may, whenever he thinks fit order the withdrawal of strangers from the whole or any part of the Assembly Chamber and from the precincts of the Assembly.
- (5) The Speaker may grant a general permission to the representative of any journal to attend the sittings of the Assembly under such rules as he may make from Time to time for the purpose. If such rules are contravened, such permission may be revoked.

Practice in the House or Parliament of Malaysia and Commonwealth countries

100. In cases of doubt the Standing Orders of the Assembly shall be interpreted in the light of the relevant practice of the House of Parliament of Malaysia and relevant House of Parliament of Commonwealth countries.

Failure to comply with Standing Orders does not nullify proceedings or decision

100A. Where in making any decision, there has been a failure on the part of the House or any Committee thereof to comply with any provision of the Standing Orders in the proceeding leading to the decision, such failure shall be treated as an irregularity and shall not nullify the proceedings or the decision resulting therefrom.

Clear Days

101. The expression "clear days" shall not include any Sunday or Public Holiday.

* Article 21 (1) and (2) of the Constitution of the State of Sabah 1963 :-

"21 (1) The Yang Di-Pertua Negeri may from time to time summon the Legislative Assembly, and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first in the next session.

(2) The Yang Di-Pertua Negeri may prorogue or dissolve the Legislative Assembly".

* Article 24 (9) of the Constitution of the State of Sabah 1963 :-

"24 (9) If objection is taken by any member present that there are present (besides the Speaker or member presiding) fewer than one quarter of the total number of members and after such interval as may be prescribed in the Standing Orders of the Legislative Assembly, the person presiding ascertains that the number of members present is still less than one quarter of the total number of members, he shall thereupon adjourn the Assembly".

† Article 15 (4) of the Constitution of the State of Sabah 1963 :-

“15 (4) During any absence of the Speaker from a sitting of the Legislative Assembly or any vacancy in the Office of Speaker such member of the Assembly as may be determined by the Standing Orders of the Assembly shall act as Speaker.”

* Article 23 of the Constitution of the State of Sabah 1963:-

“23 The Yang di-Pertua Negeri may address the Legislative Assembly and may send messages thereto.”

* Article 22 of the Constitution of the State of Sabah 1963:

Oath of Speaker and Members

“22 (1) The Speaker shall before exercising the functions of his office take and subscribe before the Yang di-Pertua Negeri the oath set out in Part III of the Schedule and every member of the Legislative Assembly shall before taking is seat take and subscribe the said oath before the Speaker.

(2) If a member has not taken his seat within three months from the date on which the Legislative Assembly first sits after his election or appointment, or within such further period as the Assembly may allow, his seat shall become vacant.”

The Schedule Part III:-

“Oath of Member of the Legislative Assembly

I _____, having been elected (or appointed) as a member (or having become an *ex-officio* member) of the Legislative Assembly of the State of Sabah, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the State of Sabah and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sabah”.

† Article 24 (7) of the Constitution of the State of Sabah 1963 :-

“24 (7) No Bill or amendment involving expenditure from the consolidate Fund may be introduced or moved in the Legislative Assembly except by a member of the Cabinet.”

* See the Legislative Assembly (Privileges, Immunities and Powers) Enactment 1963.

* Articles 24 (3), (4), (5) and (6) of the Constitution of the State of Sabah 1963 :-

“24 (3) Subject to Clauses (5) and (6) and to clause (2) of Article 43, the Legislative Assembly shall, if not unanimous, take its decision by a simple majority of members voting; and if the Speaker is absent the member presiding shall cast his vote whenever necessary to avoid an equality of votes but shall not vote in any other case, and if the Speaker is present and there is an equality of votes upon any question the motion shall be lost.

(4) Members absent from the Legislative Assembly shall not be allowed to vote.

(5) The Standing Orders of the Legislative Assembly may provide as respects any decision relating to its proceedings that it shall not be made except by a specified majority or by a specified number of votes.

(6) No Bill making provision for controlling or restricting the propagation of any religious doctrine or belief among persons professing the Muslim religion shall be passed by the Legislative Assembly unless it has been supported on the second and third readings by the votes of not less than two thirds of the total number of the members thereof.

* Article 43 (2), (3) and (4) of the Constitution of the State of Sabah 1963 :-

“43 (2) Subject to clause (3), a Bill for making an amendment to this Constitution shall not be passed by the Legislative Assembly unless it has been supported on the second or third readings by the votes of not less than two-thirds of the total number of members thereof.

- (3) Clause (2) shall not apply to a Bill for making -
- (a) any amendment consequential on a law prescribing the number of elected members of the Legislative Assembly; or
 - (b) any amendment for the purpose of bringing this Constitution into accord with any of the provisions of the Eighth Schedule to the Federal Constitution as for the time being in force.
- (4) In this article “amendment” includes addition and repeal.

Article 1 (2) of the Constitution of the State of Sabah 1963 :-

“1 (2) The Yang di-Pertua Negeri shall be appointed for a term of four years but may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong, and may be removed from office by the Yang di-Pertuan Agong in pursuance of an address by the Legislative Assembly supported by the votes of not less than two-thirds of the total number of the members thereof.”

Article 78 of the Federal Constitution :-

“78 – In so far as any law made by Parliament or any regulation made in pursuance of such a law restricts the rights of a State or its residents to the use for navigation or irrigation of any river wholly within that State it shall not have effect in that State unless it has been approved by a resolution of the Legislative Assembly of that State supported by a majority of the number of its members.”

Article 89 (1) and (6) of the Federal Constitution :-

“89 (1) Any land in a State which immediately before Merdeka Day was a Malay reservation in accordance with the existing law may continue as a Malay reservation in accordance with that law until otherwise provided by Enactment of the Legislative of the State, being an Enactment :-

- (a) passed by a majority of the total number of members of the Legislative Assembly and by the votes of not less than two-third of the members present and voting; and
- (b) approved by resolution of each House of Parliament passed by a majority of the total number of member of that House and by the votes of not less than two-thirds of the members voting.

(6) In this Article “Malay reservation” means land reserved for alienation to Malays or to natives of the State in which it lies; and “Malay” includes any person who, under the law of the State in which he is resident, is treated as a Malay for the purposes of the reservation of land.”

† Article 15 of the Legislative Assembly (Privileges, Immunities and Powers) Enactment 1963 :-

- “15
- (1) A member shall not in or before the Assembly or any Committee take part in the discussion of any matter in which he has a direct pecuniary interest without disclosing the extent of that interest and shall not in any circumstances vote upon any such matter.
 - (2) Any member who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable to imprisonment for two years and a fine of five thousand ringgit.
 - (3) The provisions of this section shall not apply to any vote or discussion concerning any remuneration or allowance to be received by members in their capacity as such or as members of the Cabinet, or to any interest which a member may have in any matter in common with the public generally, or with any category or section thereof”.

* Article 26 (2) of the Constitution of the Sate of Sabah 1963 :-

“26 (2) All laws passed by the Legislative shall be styled Enactment and the words of enactment shall be “Enacted by the Legislature of the State of Sabah”.

‡ Article 79 of the Federal Constitution :-

“79 (1) Where it appears to the presiding officer of either House of Parliament or of the

Legislative Assembly of any State that a Bill or an amendment to a Bill proposes a change in the law relating to any of the matters enumerated in the Concurrent List, or to any of the matters enumerated in the State List with respect to which the Federation is exercising functions in accordance with Article 94, he shall certify the Bill or amendment for the purposes of this Article.

(2) A Bill or amendment certified under this Article shall not be proceeded with until four weeks have elapsed since its publication, unless the presiding officer, being satisfied that the State Governments, or as the case may be, the Federal Government have been consulted, allows it to be proceeded with on the ground of urgency”.

* Article 30 (1) of the Constitution of the State of Sabah 1963 :-

“30 (1) The Yang di-Pertua Negeri shall, in respect of every financial year, cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of the State for that year and, unless the Legislature in respect of any year otherwise provides, that statement shall be so laid before the commencement of that year.”

* The words “to complete the sum necessary” are added when expenditure for part of a years has been authorised under Article 33 (4) of the Constitution of the State of Sabah, 1963, which reads as follows :-

33 (4) The Legislature may, in respect of any financial year, by law authorise before the passing of the Supply Enactment, expenditure for part of the year and the issue from the Consolidated Fund of any moneys required to meet that expenditure.

* Articles 31 and 32 of the Constitution of the State of Sabah, 1963:-

31. The heads of expenditure to be met from the Consolidated Fund in respect of any financial year but not charged thereon, other than expenditure to be met by such sums as are mentioned in clause (3) of Article 30, shall be included in a Bill, to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to

meet the expenditure and the appropriation of those sums for the purposes specified therein.

32. If in respect of any financial year it is found:-

- (a) that the amount appropriated by the Supply Enactment for any purpose is insufficient, or that a need has arisen for expenditure for a purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Supply Enactment ;or
- (b) that any moneys have been expended for any purpose in excess of the amount, if any, appropriated for that purpose by the Supply Enactment, a supplementary estimate showing the sums required or spent shall be laid before the Legislative Assembly, and the heads of any expenditure shall be included in a Supply Bill.

† Section 6 (3) of the Development Fund Ordinance, 1963:-

(3) If in respect of any financial year it is found that the amount appropriated under any head of expenditure is insufficient or that a need has arisen for the expenditure for a purpose for which no amount is being appropriated in accordance with subsection (2) of this section, the Permanent Secretary shall cause a Supplementary Statement showing the sums required to be laid before the Legislative Assembly and the Legislative Assembly may by resolution approve any of such expenditure or any part thereof, and shall by such resolution appropriate the sums necessary to meet such approved expenditure for the purposes specified in the resolution.

* Article 34 of the Constitution of the State of Sabah 1963 :-

34. The Legislative Assembly shall appoint a Committee of the Assembly, to be called the Public Accounts Committee, which shall examine the accounts in respect of each financial year showing the appropriation of the sums granted by the Legislature to meet the expenditure of the State and such other accounts as may be laid before the Assembly.

† Article 112 A (1) and (2) of the Federal Constitution :-

State audits in Borneo State and Singapore.

112.A. (1) The Auditor-General shall submit his reports relating to the accounts of a Borneo State or Singapore, or to the accounts of any public authority exercising powers vested in it by the State law in of those States to the Yang di-Pertuan Agong (who shall cause them to be laid before the House of Representatives) and to the Governor of the States; and accordingly Clauase (2) of Article 107 shall not apply to those reports.

(2) The Yang di-Pertua Negeri shall cause any such report submitted to him to be laid before the Legislative Assembly.

* Sections 7 and 8 of the Legislative Assembly (Privileges, Immunities and Powers) Enactment, 1963 :-

7. The Assembly and any authorised committee may order any person to attend before the Assembly or before such committee and to give evidence or to produce any paper, book record or document in the possession or under the control of such person.

8. (1) Any order to attend to give evidence or to produce documents before the Assembly or an authorised committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk issued by the direction of the Speaker.

(2) In every summon under this section there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce and such summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in the State with some adult person.

- (3) Where any person summoned under this section does not reside within five miles of the place of attendance specified in the summons there shall be paid or tendered to him such sum for his expenses as may be specified by the Standing Orders.
- (4) A summons under this section may be served by an Officer or by a Police Officer.

* Articles 18 (2), (c) and (3) of the Constitution of the State of Sabah, 1963:-

18 (2) An elected or nominated member shall also vacate his seat in the Assembly if:-

- (c) he is absent without the leave of the Speaker from every sitting of the Assembly for three consecutive meetings.
- (3) For the purposes of paragraph (c) of clause (2), "meeting" means any sitting of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or at the conclusion of a session.

† Section 5 of the Legislative Assembly (Privileges, Immunities and Powers) Enactment 1963:-

- 5 (1) No stranger shall be entitled as of right to enter or remain within the precincts of the Assembly and the Speaker or any Officer authorised in that behalf by the Speaker may at any time order any stranger to withdraw therefrom.
- (2) The Speaker may issue such orders as he may deem necessary or desirable for the regulation of the admittance of strangers to, and the conduct of strangers within, the precincts of the Assembly.
- (3) The exhibition in a conspicuous position in the precincts of the Assembly of a copy, duly authenticated by the Clerk, of any orders made by the Speaker under this section shall be deemed to be sufficient notice to all persons affected thereby.

- (4) Any person failing to obey an order given under subsection (1) of this section may be forcibly removed from the precincts of the Assembly by an Officer or a Police Officer.