



**PARLIAMENT of MALAYSIA**

***Standing Orders***

***of the***

**SENATE**

***(Eighth Edition: 2001)***

## PRAYER

Almighty God, who in Thy Wisdom and Goodness hast appointed *the Offices* of Rulers and Parliaments for the welfare of society and the just government of men:

We beseech Thee to behold with Thy abundant favour us Thy servants whom Thou hast been pleased to call to the performance of important trusts in these lands:

Let Thy blessing descend upon us here assembled, and grant that we may treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Thy Honour and Glory and to advance the peace, prosperity and welfare of Malaysia and its inhabitants:

AMEN.

# STANDING ORDERS

of the

## SENATE of Malaysia

### PUBLIC BUSINESS

#### **1 Election of Tuan Yang di-Pertua**

Whenever there is a vacancy in the office of Tuan Yang di-Pertua the Senate shall, as soon as a quorum is present, proceed to elect Tuan Yang di-Pertua.

#### **2 Procedure for Election of Tuan Yang di-Pertua**

(1) The procedure for the election of Tuan Yang di-Pertua shall be as follows:

Every Senator who wishes to propose a Senator for election as Tuan Yang di-Pertua shall ascertain previously that Senator is willing to serve if elected, and shall notify the Setiausaha of his proposal at least two days before the meeting.

(2) A Senator addressing himself to the Setiausaha, shall propose some other Senator then present to the Senate for its Tuan Yang di-Pertua, and move "*That..... (naming the Senator) do take the Chair of the Senate as Tuan Yang di-Pertua.*" The proposal shall be seconded, but no debate shall be allowed.

(3) If only one Senator be so proposed and seconded as Than Yang di-Pertua, he shall be declared by the Setiausaha without question put, to have been elected. If more than one Senator be so proposed and

seconded the Senate shall proceed to elect Tuan Yang di-Pertua by ballot.

(4) For the purpose of a ballot the Setiausaha shall give to each Senator present a ballot paper on which the Senator may write the name of the Senator for whom he wishes to vote. Ballot papers shall be folded so that the name written thereon shall not be seen and shall be signed by the Senator voting.

(5) Ballot papers shall be collected by the Setiausaha, or by some officer of the Senate deputed by him, and shall be counted by the Setiausaha, at the Table of the Senate. The result of the ballot shall be declared by the Setiausaha.

(6) (a) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remaining candidates as the case may be.

Where at any ballot among three or more candidates two or more obtain an equal number of votes and one of them has to be excluded from the election under clause (a) above, the determination, as between the candidates whose votes are equal, of the candidate to be excluded, shall be by lot which shall be drawn in such manner as the Setiausaha shall decide.

Where at any ballot between two candidates the votes are equal, another ballot shall be held and if at such subsequent ballot the votes are equal, the determination shall be by lot which shall be drawn in such manner as the Setiausaha shall decide.

(7) As the ballot papers are counted they shall be placed in a box and, when a Senator has been declared elected as Tuan Yang di-Pertua, the box shall be sealed in the presence of the Senate and kept in the custody of the Setiausaha for one calendar month and then, subject to any direction he may receive from the Senate: the Setiausaha shall burn the ballot papers and certify to the Senate that this has been done.

### **3 Seating of Senators**

(1) As soon as he thinks fit after his election Tuan Yang di-Pertua may allot a seat to every Senator and may vary such allotment from time to time, as he may think fit.

(2) Seats shall be allotted at the discretion of Tuan Yang di-Pertua, whose decision thereon shall be final.

### **4 The Oath**

(1) The Oath to be taken in the form set out in the Sixth Schedule to the Constitution shall be administered by the Setiausaha, and every Senator taking the Oath shall sign the book to be kept for that purpose by the Setiausaha at the Table.

(2) Subject to the provisions of paragraph (3), on any day on which the Senate sits a Senator who has not previously taken the Oath may present himself at the table at the time appointed under Standing Order 13, and thereupon the said Oath shall be administered to him and he shall sign the book.

(3) A Senator may at any time when the Senate stands adjourned, take and subscribe the said Oath before Tuan Yang di-Pertua; and in any such case Tuan Yang di-Pertua shall report to the Senate at its next sitting that the Senator has so taken and subscribed the said Oath before him,

(4) In conformity with Clause (4) of Article 160 of the Constitution, a Senator shall be permitted, if he so desires, to comply with the requirement of taking and subscribing the Oath by making and subscribing an affirmation.

## **5 Election of Timbalan Tuan Yang di-Pertua**

(1) At the first convenient sitting of the Senate following that at which Tuan Yang di-Pertua was elected, or at the commencement of Public Business at the first meeting of the Senate after a vacancy in the office of Timbalan Tuan Yang di-Pertua has occurred, the Senate shall proceed to the election of Timbalan Tuan Yang di-Pertua.

(2) The procedure for the election of Timbalan Tuan Yang di-Pertua shall be as nearly as may be the same as that for the election of Tuan Yang di-Pertua, save that the election shall be conducted by Tuan Yang di-Pertua.

## **6 Tuan Yang di-Pertua**

(1) Tuan Yang di-Pertua shall preside at sittings of the Senate and in his absence, Timbalan Tuan Yang di-Pertua shall preside, or if no Timbalan Tuan Yang di-Pertua has been elected or the post of Timbalan Tuan Yang di-Pertua is vacant for any other cause, then the Senate, upon being informed thereof by the Setiausaha at the Table may, upon motion made, call upon any Senator present to preside. The motion shall be seconded and the question thereon shall be put by the Setiausaha, but no debate shall be allowed.

(2) When Tuan Yang di-Pertua's absence is announced by the Setiausaha at the Table, the Senator presiding under the provisions of paragraph (1) shall be invested with all the powers of Tuan Yang di-Pertua, until Tuan Yang di-Pertua or Timbalan Tuan Yang di-Pertua be available.

(3) Tuan Yang di-Pertua may at any time during a sitting ask a Senator

entitled under the provisions of paragraph (1) to preside in his absence to take the Chair temporarily, without formal communication to the Senate.

(4) Whenever the Senate resolves itself into a Committee of the whole Senate Tuan Yang di-Pertua or other member presiding at the Senate under the provisions of paragraph (1) shall take the Chair as Chairman of the Committee of the whole Senate.

(5) In these Orders, except where it is expressly provided otherwise, the expression "Tuan Yang di-Pertua" includes any person presiding under the provisions of paragraphs (1) to (3), and the expression "the Chair", unless the context indicates otherwise, refers to any person presiding or taking the Chair under the provisions of paragraphs (1) to (4).

## **7 Official Languages**

The official language of the Senate shall be Bahasa Kebangsaan, but Tuan Yang di-Pertua may permit the use of the English Language.

## **8 Duties of the Setiausaha**

(1) The Setiausaha shall prepare all correspondence required by the Senate and Tuan Yang di-Pertua and discharge all orders of Tuan Yang di-Pertua in relation to all matters pertaining to the business of the Senate.

(2) The Setiausaha shall

(a) at least 28 days before the commencement of each session of Parliament notify the Senators in writing of the dates of meeting of the Senate in that session:

Provided that in cases of urgency as may be determined by Tuan Yang di-Pertua, such notice may be dispensed with, and in that event the longest notice possible shall be given;

meeting a copy of the Order of Business for that meeting".

(3) The Setiausaha shall keep the Minutes of the Proceedings of the Senate, and of Committees of the whole Senate; and shall circulate a copy of such Minutes, to be known as the Votes and Proceedings, on the day following each sitting of the Senate, or as soon thereafter as practicable.

(4) The Votes and Proceedings shall record the names of Senators attending and all decisions of the Senate and, in the case of divisions of the Senate or Committee of the whole Senate, shall include the numbers voting for and against the question, the names of Senators so voting and the numbers and names of the Senators present who declined to vote. The Votes and Proceedings shall be signed by Tuan Yang di-Pertua, and errors in the Votes and Proceedings may be corrected by him.

(5) The Setiausaha shall prepare from day to day and keep on the Table of the Senate, or in the office of the Setiausaha an Order Book showing all business appointed for any future day, and any notices of Questions or Motions which have been set down for a future day, whether for a day named or not. The Order Book shall be open to the inspection of Senators at all reasonable hours.

(6) The Setiausaha shall be responsible for the custody, of the Votes and Proceedings, records, Bills and other document laid before the Senate, which shall be open to inspection by Senators and other persons under such arrangements as may be sanctioned by Tuan Yang di-Pertua.

## **9 Official Reports**

(1) An official report of all speeches made in the Senate and in Committee of the whole Senate shall be prepared under the supervision of the Setiausaha.

(2) The report shall be published within six weeks of each meeting, or as soon thereafter as is practicable, in such forms as Tuan Yang di-Pertua may direct, and a copy thereof shall be sent to each Senator as soon as practicable after the conclusion of each meeting.

(3) A copy of the record of a Senator's speech shall be sent to him before it is published. If the Senator does not return the copy to the Setiausaha within seven days from the date upon which it was despatched, the speech shall be published without correction.

(4) If a Senator disputes the correctness of the *record* or any speech or seeks to make any material change in the record, Tuan Yang di-Pertua shall rule thereon and shall direct publication of the speech in accordance with his ruling which shall be communicated to the Senator concerned and shall be final.

## **10 Sessions and Meetings**

(1) The first sitting of the Senate in every Session shall be held at such place, on such day and at such time as His Majesty the Yang di-Pertuan Agong may by Proclamation appoint.

(2) Subject to paragraph (1), the Leader or Deputy Leader of the Senate shall determine, at least 28 days before the commencement of every Session, the dates on which the Senate shall meet in that Session:

Provided that the Leader or Deputy Leader of the Senate may vary from time to time the dates so determined.

(3) If, during an adjournment of the Senate, it is represented to Tuan Yang di-Pertua by the Prime Minister that the public interest requires that the Senate should meet at an earlier date than that to which the Senate was adjourned, then Tuan Yang di-Pertua shall give notice thereof forthwith

and the Senate shall meet at the time stated in such notice. The business set down for that day shall be appointed by the Prime Minister and notice thereof shall be circulated to the Senators not later than the time of the meeting."

## **11 Sittings**

(1) Every sitting of the Senate shall begin at 10.00 a.m. until 1.00 p.m. and shall resume at 2.30 p.m. and continue until 5.30 p.m. or the earlier completion or deferment of business in the Order of Business:"; and

Provided that a motion, to be decided without amendment or debate, may be made at any time to the effect that the proceedings on any specified business that day be exempted from the provisions in this Order.

(2) Every adjournment of the Senate shall be till the following day, unless the Senate, on a motion decides to adjourn to a later day, whether specified or not.

(3) Subject to the foregoing provisions, the President may at any time suspend the sitting for a stated time.

(4) Unless the Senate otherwise orders, the Senate shall, without any question being put, at its rising on Thursday stand adjourned until the following Monday.

(5) Tuan Yang di-Pertua may extend the time of sitting after 5.30 p.m. or after such time as may be determined by the Senate for not *more* than fifteen minutes so as to complete the matter that ought to be completed on that day itself."

## **12 Quorum**

(1) The quorum of the Senate and of a Committee of the whole

shall consist of ten Senators, excluding the Chair.

(2) If any Senator draws the attention of the Chair to the fact that a quorum is not present, Senators shall be summoned as if for a division.

(3) When the summons to Senators has been made in the Senate Tuan Yang di-Pertua shall, after the expiration of two minutes, count the Senate. If a quorum is not then present, he shall adjourned the Senate without question put.

(4) When the summons to Senators has been made in Committee of the whole Senate, the Chairman shall, after the expiration of two minutes count the Committee. If a quorum is not then present, he shall leave the Chair, the Senate shall be resumed and Tuan Yang di-Pertua shall count the Senate. If a quorum is then present, the Senate shall again resolve itself into committee; but if a quorum is not present, Tuan Yang di-Pertua shall adjourn the Senate without question put.

(5) If, from the number of Senators taking part in a division, including those Senators who decline to vote, it appears to the Chair 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.

### **13 Order of Business**

(1) Unless the Senate otherwise directs, the business of each sitting shall be transacted in the following order:

- (a) Formal entry of Tuan Yang di-Pertua.
- (b) Prayers.
- (c) Taking of Oath by any new Senator.
- (d) Message from His Majesty.
- (e) Announcements by Tuan Yang di-Pertua.
- (f) Petitions.

- (g) Questions to Ministers for oral answers.
- (h) Requests for leave to move the Adjournment of the Senate on matters of urgent public importance.
- (i) Statements by Ministers.
- (j) Tributes.
- (k) Obituary speeches.
- (l) Personal explanations.
- (m) Presentation of Government Bills (First Reading)
- (n) Motions relating to the Order of Business (to be moved by the Minister).
- (o) Public Business.
- (p) Motions for the introduction of non-Government Bills.
- (q) Other business in the order they appear in the Order of Business.

(2) The Senate may, upon a motion to be decided without amendment or debate and 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) A foreign dignitary may as shall be decided by the Government address the Senate or jointly with the Dewan Rakyat and such address may be given at any time during a sitting of the Senate."

#### **14 Arrangement of Public Business**

(1) On every sitting day Government business shall have precedence over Private Senators' business.

(2) Government business shall be set down in such order as the Government think fit and communicate to the Clerk.

(3) Private Senators' notices of motions shall have precedence over Private Senators' Bills and shall be set down in the order in which notice

of each motion appeared in the Order Book.

(4) Private Senators' Bills shall be taken in the order in which they stand in the Order Book.

(5) A Private Senator's motion which has been moved but not disposed of at a meeting shall, when the mover gives notice for its continuance at a subsequent meeting, take precedence over other motions to be moved by other Private Senators".

### **15 Adjournment of the Senate**

(1) Except under the provisions of Standing Order 17 no motion for the adjournment of the Senate may be moved until 5.30 p.m. the earlier completion or deferment of all business included in the Order of Business for the sitting, and no such motion may then be moved except under the provisions of this Order and of Standing Order 16.

(2) At 5.30 p.m., Tuan Yang di-Pertua shall interrupt any proceedings still in progress or if the Senate is in Committee the Chairman shall leave the Chair and report progress to the Senate.

(3) Upon the conclusion of proceedings under the provisions of paragraph (2), or upon the earlier completion of or deferment of all business included in the Order of Business for the sitting, Tuan Yang di-Pertua shall either adjourn the Senate or at any sitting at which notice has been given of a motion for the adjournment of the Senate under the provisions of Standing Order 16 call upon a Senator to move "*That the Senate do now adjourn*".

### **16 Adjournment Motion-End of Sitting**

(1) Upon a motion "That the Senate do now adjourn" moved under the provisions of paragraph (3) of Standing Order 15, any Senator (not being a Minister) who has obtained the right to do so may address the Senate on any matter of administration for which the Government is responsible

and a Minister may reply but no such address may be made during the first meeting of the Session or during the meeting at which the Annual Supply Bill is considered.

(2) Any Senator who wishes to raise a matter under the provisions of paragraph (1) shall give notice of the matter in writing to Tuan Yang di-Pertua not less than seven days before the sitting at which he wishes to do so. Subject to the giving of such notice Tuan Yang di-Pertua shall allot the right so to raise a matter to not more than two Senators on each sitting day, if necessary by ballot, and in making such allotment shall give preference to any Senator or Senators who have not previously so raised a matter during the present session.

(3) In any address upon any motion "*That the Senate do now adjourn*", the time allowed to each Senator addressing the Senate and to each Minister replying shall be 74x minutes, unless Tuan Yang di-Pertua decides otherwise in any particular case.

(4) Upon the conclusion of such proceedings, Tuan Yang di-Pertua shall put the question "*That the Senate do now adjourn*":  
Provided that, if that question has not been previously decided, at 6 p.m. Tuan Yang di-Pertua shall adjourn the Senate without question put:

### **17 Adjournment-Definite Matter of Urgent Public Importance**

(1) Any Senator, other than a Minister, may at the time appointed under Standing Order 13, rise in his place and ask leave to move the adjournment of the Senate for the purpose of discussing a definite matter of urgent public importance that requires to be immediately debated by reading the text of the motion approved by Tuan Yang di-Pertua.

(2) A Senator who wishes so to ask leave to move the adjournment of the Senate shall at least *twenty* four hours before the commencement of the sitting hand to Tuan Yang di-Pertua a written notification of not more

than three hundred words of the matter which is to be discussed and he shall submit to Tuan Yang di-Pertua together with the notice the motion which he proposes to move together with a written explanation to the effect that the matter is definite, urgent and of public importance. Than Yang di-Pertua shall refuse to allow that request unless he is satisfied that the matter is definite, urgent and of public importance.

(3) If Tuan Yang di-Pertua is so satisfied and either:

(a) leave of the Senate is given, no Senator objecting; or

(b) if it is not so given, at least six Senators rise in their places to support the request,

the motion shall stand over until 4.30 p.m. on the same day, and at that hour any proceeding on which the Senate 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, if not previously disposed of, shall lapse and the proceedings which have been postponed shall be resumed and dealt with in accordance with paragraph (4).

(4) Any proceedings which have been postponed under this Order may be continued after 5.30 p.m. for a period of time equal to the duration of the proceedings on the motion made under this Order; and when all proceedings under that paragraph have been concluded, the Senate shall stand adjourned without question put for a decision of the Senate.

(5) Not more than one motion for the adjournment of the Senate under this Order may be made at one sitting.

(6) A member shall not reintroduce the same matter during the same meeting:

if the matter has been refused by Tuan Yang di-Pertua under paragraph (2); or

does not have the support of at least six members under sub-paragraph (b) of paragraph (3).

(7) Tuan Yang di-Pertua may, in chambers, refuse to allow any motion submitted to him if Tuan Yang di-Pertua is satisfied that the motion contravenes any of the provisions of the Standing Orders of the Senate.

(8) Any motion that has been refused under paragraph (7) shall not be proposed and shall not be read in the Senate."

## **18 Petitions**

(1) (a) Every application to the Senate shall be in the form of a petition, and every petition shall be presented by a Senator, who shall be responsible for the petition being in respectful language.

(b) A petition seeking a grant, charge or expenditure of public money or the release of a debt due to the Government or the remission of duties payable by any person or compensation for loss out of the public revenues or for the revocation, alteration or repeal of any rate, tax or duty shall not be received by the Senate.

(2) (a) If signatures are affixed to more than one sheet, the prayer of the petition shall be repeated at the head of each sheet. A person unable to write may affix his mark in the presence of two witnesses.

(b) No reference shall be made in a petition to any debate in the Senate or in the House of Representatives nor to any intended motion unless a notice of such motion stands in the Order Book.

(c) It shall not be competent for a Senator to present a petition from himself or to which he is a signatory but the petition may be presented by some other Senator.

(d) Every petition shall, before it is presented, be signed at the beginning thereof by the Senator in charge of it and deposited at least

one clear day with the Setiausaha who, after examining the same, shall submit it to Tuan Yang di-Pertua for approval, and no petition shall be presented until it has been endorsed, *Passed by Tuan Yang di-Pertua*".

(e) Every Senator before presenting a petition shall ascertain and write at the head of it the number of signatures to it, and shall satisfy himself that it does not contain language disrespectful to the Senate or to the House of Representatives.

(3) A Senator presenting a petition to the Senate may state concisely the purpose of the petition.

(4) (a) It shall be competent for any Senator to move that such petition be read. In making such motion he shall state concisely his reasons for wishing to have it read.

(b) No debate shall be permitted on such motion, nor shall any other Senator speak upon or in relation to such petition, except to second the motion formally.

(c) Such motion being seconded, the question shall be put whether the petition shall be read.

## **19 Papers**

(1) Papers shall be presented only by Tuan Yang di-Pertua, a Minister or the chairman of a Committee, and shall be sent to the Setiausaha.

(2) Every paper a copy of which is so received by the Setiausaha shall be deemed to have been presented to the Senate and ordered to lie upon the Table.

(3) The presentation of all papers shall be entered in the Votes and Proceedings of the day on which they are presented or, if the Senate is not then sitting, of the next sitting day following its presentation.

## **20 Questions**

(1) Question may be put to Ministers relating to:

(a) affairs within their official functions; or

(b) a Bill, motion or other public matter connected with the business of the Senate for which such Minister is responsible.

(2) Questions may also be put to Senators other than Ministers, relating to a Bill, motion or other public matter connected with the business of the House for which such Senators are responsible.

(3) The proper object of a question is to obtain information on a matter of fact within the special cognisance of the member to whom it is addressed.

## **21 Notice of Questions**

(1) A question shall not be asked without notice, unless Tuan Yang di-Pertua is of 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 Tuan Yang di-Pertua to ask it.

(2) Notice of every question shall be given to the Setiausaha during the usual office hours by member in writing not later than 14 working day before the commencement of the meeting.

(3) If a Senator requires an oral answer to his question he shall mark his notice "Oral Reply". No more than three questions shall be marked by Senator for "Oral Reply" on the same day. Tuan Yang di-Pertua may in his discretion direct that a question marked for an "Oral Reply" shall be given a written answer.

(4) A Senator may not ask more than 20 questions for Oral Reply and more than 5 questions for Written Reply in any one meeting of the Senate. (Adopted, on 11-8-1998 and brought into force with effect from 7-12-1998).

## 22 Contents of Questions

- (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) if a question contains a statement, the member who asks the question must make himself responsible for the accuracy of the statement;
  - (c) a question shall not contain any argument inference opinion, imputation, epithet or, misleading, ironical or offensive expression nor shall a question be frivolous or be asked seeking information on trivial matters;
  - (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 which have not been reported to the Senate;
  - (f) a question shall not seek information about any matter which is of its nature secret;
  - (g) a question shall not be so drafted as to be likely to prejudice a case under trial, or be asked on any matter which is *sub judice*;
  - (h) a question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case 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 financial bodies 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 contain any discourteous reference to a friendly foreign country;
- (l) a question shall not seek information about the internal affairs of a foreign country;
- (m) a question reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion shall not be asked;
- (n) a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference;
- (o) a question making or implying a charge of a personal character shall be disallowed;
- (p) a question fully answered shall not be asked again during the same session;
- (q) a question shall not be asked in regard to any matter within
  - (i) the State List in the Ninth Schedule to the Federal Constitution; or
  - (ii) the provisions of paragraph (7) of Standing Order 35;
- (r) a question for Oral Reply
  - (i) shall be short and concise and as far as possible shall not exceed forty words without taking into account the name of the Senator asking and the Minister responsible; and
  - (ii) shall not contain more than two different questions or a combination of more than two questions."

(2) If Tuan Yang di-Pertua is of opinion that any question of which a

member has given notice to the Setiausaha or which a member has sought leave to ask without notice, is an abuse of the right of questioning or calculated to obstruct or affect prejudicially the procedure of the Senate, or infringes any of the provisions of the Constitution or the Sedition Act, 1948, or any Act made under Article 10 (1) of the Constitution or of this Order, he may direct:

(a) that it be printed or asked with such alterations as he may direct; or

(b) that the Senator concerned be informed that the question is disallowed

(3) Disallowance of a question by Tuan Yang di-Pertua with the reason therefor, shall be communicated in writing to the Senator concerned by the Setiausaha.

(4) Notwithstanding anything hereinbefore, a Minister to whom a question is addressed may with the approval of Tuan Yang di-Pertua refuse to answer such question on the ground of public interest, and such refusal cannot be debated or questioned.

(5) The Setiausaha is empowered to edit questions submitted.

### **23 Manner of asking and answering questions**

(1) If any oral answer to a question is required and no written answer thereto has been directed by Tuan Yang di-Pertua, when the question is reached on the Order Paper, shall call upon the Senator in whose name the question stands. The Senator so called shall then rise in his place and ask the question by reference to its number on the Order Paper, and any Minister may reply.

(1A) If a Minister, at the time of answering to a question raised under paragraph (1), is allowed by Tuan Yang di-Pertua to answer to any other similar question which has been appointed for answer on another day in

the meeting, any such question which has already been answered to shall not appear in any Order of Business for that other day.

(2) If a Senator asking a question for an oral reply fails to rise and ask his question, then any other Senator may make the question his own and may rise in his place when all the other questions for the day have been disposed of and ask the question in the manner prescribed above; but if no other Senator so rises, the Minister to whom the question is addressed shall send copies of the answer to the Setiausaha and the Setiausaha shall cause that answer to be printed in the Official Report"; and

(3) Tuan Yang di-Pertua may allow not more than 3 supplementary questions for each questions to be put for the purpose of elucidating any matter of fact regarding which an oral answer has been given, but he 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 Standing Order 22;

"Provided that -

(i) no supplementary question shall be allowed pertaining to any question if the Minister declares that such question has been answered at an earlier sitting of that Parliamentary session; and

(ii) any supplementary question shall not consist of several questions or a combination of several questions."

(4) A question shall not be made the pretext for a debate.

(5) No questions, other than any supplementary questions arising out of a question already asked which Tuan Yang di-Pertua may permit, shall be taken one hour after the beginning of Question Time.

(6) If an oral answer to a question is not required, or if a written answer is

directed under paragraph (3) of Standing Order 21, the Minister to whom it is addressed shall send copies of the answer to the Senator who asked it and to the Setiausaha, who shall cause such answer to be included in the Official Report.

## **24 Personal Explanation**

With the leave of Than Yang di-Pertua, a Senator may make a personal explanation at the time appointed under Standing Order 13 although there is no question before the Senate; but no controversial matter may be brought forward nor may debate arise upon the explanation. The terms of the proposed statement shall be submitted at least two hours before the commencement of the sitting in full to Tuan Yang di-Pertua when his leave to make it sought.

## **25 Notices of Motions**

(1) Unless Standing Order otherwise provide, 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 of the whole Senate;
- (c) a motion for the adjournment of the Senate or of any debate;
- (d) a motion to proceed to any particular business out of the regular order;
- (e) a motion under the provisions of paragraph (l) of Standing Order 6;
- (f) a motion that the proceedings on any specified business be exempted from the provisions of Standing Order 11;

the Senate to a later day;

(h) a motion for the appointment of a Select Committee under paragraph (4) of Standing Order 18;

(i) a motion for the suspension of a Senator;

(j) a motion to disallow a Senator's vote under the provisions of paragraph (5) of Standing Order 46;

(k) a motion to refer a Bill to a Select Committee under Standing Order 53;

(l) a motion for the recommittal of a Bill reported from a Committee of the whole Senate;

(m) a motion for the withdrawal of a Bill under Standing Order 6L

(n) a motion to suspend any Standing Order moved under Standing Order 82 when the consent of the Tuan Yang di-Pertua has been expressed;

(o) a motion for the withdrawal of strangers;

(p) a motion for the closure of a debate under Standing Order 39;

(q) a motion relating to a matter of privilege;

(r) a motion that a petition be read, printed or referred to a Select Committee;

(s) a motion that the report of a Select Committee be referred to a Committee of the whole Senate;

(t) a motion under section 5 of the Seventh Schedule to the Constitution.

(2) A motion seeking a grant, charge or expenditure of public money, or the release of a debt due to the Government or the remission of duties

payable by any person or compensation for loss out of the public revenues or the variation, alteration or repeal of any rate, tax or duty shall not be proceeded with unless the recommendation of the Government thereto is signified by the Minister charged with responsibility for finance.

(3) A motion which directly or indirectly, involve any such grant, charge, expenditure, release, remission or compensation as is mentioned in paragraph (2) shall be treated as seeking the grant, charge, expenditure, release, remission or compensation unless the said Minister signifies that it does not go beyond what is incidental only and not of a substantial nature having regard to the purposes of the motion.

## **26 Manner of giving Notices**

(1) Where under any Standing Order (or the practice of the Senate) notice is required such notice shall be given

(a) when the Senate is sitting, by being handed in at the Table; or

(b) when the Senate is sitting, by being handed in at the office of the Setiausaha during the usual office hours.

(2) Every such notice shall be signed.

(3) Except as provided in Standing Order 42 and in paragraph (5) of Standing Order 78, not less than fourteen days' notice of any motion shall be given unless it is a Government motion, in which case seven day's notice or, if Tuan Yang di-Pertua is satisfied upon representation to him by a Senator that the public interest requires that a Government motion should be debated as soon as possible, one day's notice shall be sufficient.

(4) All notices shall if possible be printed, cyclostyled or typewritten and sent to Senators not later than the day before the sitting for which

they have been put down.

(5) if Tuan Yang di-Pertua is of opinion that any notice received by the Setiausaha infringes any of the provisions of these Orders or is otherwise out of order, he may direct

(a) that it be printed with such alterations as he may direct; or

(b) that it be returned to the Senator who signed it, as being in his opinion out of order.

(6) Subject to the provisions of paragraph (5), motions or amendments sent to the Setiausaha shall be printed and circulated by him and in the case of amendments to Bills shall be arranged so far as may be in the order in which they will be proposed.

## **27 Alteration of terms of Motion**

If a Senator desires to alter the terms of a motion standing in his name, he may do so by giving to the Setiausaha an amended notice of motion, provided that such alteration does not, in the opinion of Tuan Yang di-Pertua, 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.

## **28 notices withdrawn**

(1) A Senator may, by notice in writing to the Setiausaha, withdraw any notice of motion previously given by him.

(2) When any notice of motion has been so withdrawn after the motion to which it refers has appeared on the Order of Business, such motion shall not be proposed but shall remain on the Order of Business and at the proper time Tuan Yang di-Pertua or the presiding Senator shall announce that the motion is to be considered as withdrawn. and a note to that *effect* shall be entered on the Votes and Proceedings.

## **29 Amendments to Motions**

- (1) When any motion is under consideration in the Senate or in a committee thereof, an amendment may be proposed to the motion if it is relevant thereto.
- (2) An amendment may be proposed to any such amendment if it is relevant thereto.
- (3) An amendment must not raise any question which, by the rules of the Senate, can only be raised by a substantive motion after notice.
- (4) A question, when proposed from the Chair, may be amended in all or any of the following methods:
  - (a) by leaving out certain words in order to insert other words;
  - (b) by leaving out certain words;
  - (c) *by* inserting other words.

## **30 Seconding of Motions and Amendments**

- (1) In the Senate the question upon a motion or amendment shall not be proposed by Tuan Yang di-Pertua unless such motion or amendment has been seconded.
- (2) In Committee a seconder shall not be required.

## **31 Amendments to Motions to be put in writing**

Any amendment to a motion upon which the question has been proposed in the Senate or in Committee of the whole Senate shall be put in writing by the mover and delivered to the Setiausaha unless the Chair dispenses with the requirement that it be put in writing.

## **32 Manner of debating Motions and Amendments thereto**

- (1) When a motion has been moved and if necessary seconded, the Chair shall propose the question thereon to the Senate or the

in the same terms as the motion; debate may then take place upon that question and may, subject to the provisions of these Standing Orders, continue so long as any member wishes to speak who is entitled to do so.

(2) When no more members wish to speak, the Chair shall put the question to the Senate or Committee, which shall express its decision in accordance with the provisions of Standing Order 44.

(3) Any amendment to the motion which a member wishes to propose in accordance with the provisions of Standing Order 29 may be moved and if necessary seconded at any time after the question upon the motion has been proposed by the Chair, and before it has been put by the Chair at the conclusion of the debate upon the motion. When every such amendment has been disposed of the Chair shall either again propose the question 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 Senate or Committee for its decision.

(4) (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 be left out of the question"*.

(b) Upon any amendment to insert words in, or add words at the end of, a motion, the question to be proposed shall be *"That those words be there inserted"* or *"added"*, as the case may require.

(c) Upon any amendment to leave out words and insert or add other words instead, a questions shall first be proposed *"That the words proposed to be left out be left out of the question"*, and if that question is agreed to, the question shall then be proposed *"That those words be there inserted"* or *"added"*, as the case may require. If the first question is disagreed to, no further amendment may be proposed to the words which the Senate or Committee

have so decided shall not be left out.

(d) If the Chair, before putting a question to leave out certain words, is informed that a Senator wishes to move an amendment to leave out part only of these words, and if the Chair 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; but if that amendment 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.

(e) When two or more amendments are proposed to be moved to the same motion, the Chair 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 he shall decide: provided that no amendment may be moved which relates to any words which the Senate or Committee has decided shall not be left out of the motion.

(5) (a) Any amendment to an amendment which a Senator wishes to propose may be moved and if necessary seconded 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 paragraph (4) shall apply to the discussion of amendments to amendments, with the substitution *wherever* appropriate of the words 'original amendment' for the word "question".

(c) When every such amendment to an amendment has been disposed of, the Chair 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.

### **33 Withdrawal of Motions and Amendments**

(1) A motion or an amendment may be, withdrawn at the request of the mover, by leave of the Senate or Committee, before the question is fully put thereon. A motion or an amendment so withdrawn may be proposed again provided that in the case of a motion notice as required by these 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.

## **RULES OF DEBATE**

### **34 Time and Manner of Speaking**

(1) A Senator desiring to speak shall rise in his place and if called upon shall stand and address his observations to the Chair. No Senator shall speak unless called upon by the Chair.

(2) If two or more Senators rise at the same time, the Chair shall call upon the Senator who first catches his eye.

No Senator shall speak more than once to any question except -

(a) in Committee; or

(b) in explanation as prescribed in paragraph (4); or

(c) in the case of the mover of a substantive motion, only in reply:

Provided that any Senator may, without prejudice to his right to speak at a later period of the debate second a motion or amendment by rising in

his place and stating that it is his intention to second the motion or amendment.

(4) A Senator who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood; but he shall not introduce new matter.

(5) A Senator who has spoken may speak again when a new question has been proposed by Tuan Yang di-Pertua, such as a proposed amendment or a motion for the adjournment of the debate.

(6) A Senator shall not read his speech, but he may read extracts from books or papers in support of his argument, and may refresh his memory by reference to notes.

(7) A Senator shall not speak on any matter in which he has a direct personal pecuniary interest (other than the matter of remuneration under any provision of the Constitution) without disclosing the extent of that interest.

(8) The Chair may, if he thinks fit, prescribe the time limit for speeches.

### **35 Contents of Speeches**

(1) A Senator 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 *sub judice* in such a way as might in the opinion of the Chair prejudice the interests of parties thereto.

(3) It shall be out of order to attempt to reconsider any specific question upon which the Senate 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 Senate.

### **36 Interruption**

No Senator shall interrupt another Senator except -

(a) by rising to a point of order, when the Senator speaking shall resume his seat and the Senator interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Chair for decision; or

(a) to elucidate some matter raised by that Senator in the course of his speech, provided that the Senator speaking is willing to give way and resumes his seat and that the Senator wishing to interrupt is called by the Chair.

### **37 Scope of Debate**

(1) Debate upon any motion, other than a motion or the adjournment of the Senate, and upon any Bill or amendment shall be relevant to such motion, kill or amendment.

(2) Debate upon any motion for the adjournment of the Senate shall be relevant to the subject to be 'ailed under Standing Order 16 or 17.

(3) When an amendment proposes to leave out words and to insert other words instead of them, debate upon the question "*That the words proposed to be left out be left out*" may include both the words proposed to be left out and those to be added or inserted.

(4) On an amendment proposing only to leave out words or to add or insert words, debate shall be confined to the omission, addition or insertion of such words respectively.

(5) Debate upon any motion "*That the debate be now adjourned*" or in

(5) No Senator shall impute improper motives to any other Senator.

(6) The name of His Majesty the Yang di-Pertuan Agong, or Their Highnesses the Rulers or of Their Excellencies the Yang di-Pertua-Yang di-Pertua Negeri shall not be used to influence the Senate.

(7) The conduct or character of His Majesty the Yang di-Pertuan Agong, of their Highnesses the Rulers or of 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) No reference shall be made in any debate to the conductor character of any Member of Parliament or of any public servant, other than conduct in the capacity of Member of Parliament or public servant, as the case may be.

(9) 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 Malaysia or infringe any provision of the Constitution or the Sedition Act, 1948 or any Act made under Article 10(I) of the Constitution.

(10) If Tuan Yang di-Pertua is of the opinion that any motion or amendment or the continuance of the debate thereon is calculated to give rise to breaches of this Order he may disallow the motion or amendment or, as the case may be, may terminate the debate and direct that no further proceedings be taken on the motion or amendment.

(6) Committee *"That the Chairman do report progress and ask leave to sit again"*, shall be confined to the matter of such motion; and a member who has made or seconded such motion shall not be entitled to move or second any similar motion during the same debate.

### **38 Anticipation**

(1) It shall be out of order to anticipate the discussion of a Bill standing on the Order of Business by discussion upon a substantive motion or an amendment dealing with the same subject matter or by raising the subject matter of the Bill upon a motion for the adjournment of the Senate.

(2) It shall be out of order to anticipate the discussion of a motion of which notice has been given by discussion upon an amendment, or by raising the same subject matter upon a motion for the adjournment of the Senate.

(3) In determining whether a discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the Senate within a reasonable time.

### **39 Closure of Debate**

(1) After a question has been proposed a Senator rising in his place may claim to move, *"That the question be now put"*, and, unless it appears to the Chair that such motion is an abuse of the rules of the Senate, 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 of the original motion or amendment 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 Senator

may claim that any other question already proposed from the Chair be now put, and if the assent of the Chair is given such questions shall be put forthwith and decided without amendment or debate.

(3) A question for the closure of debate shall not be decided in the affirmative upon a division, notwithstanding that the Ayes have it, unless it appears by the numbers declared from the Chair that not less than eight Senators voted in the majority in support of the motion.

#### **40 Behaviour of Senators not speaking**

During a sitting:

- (a) all Senators shall enter, leave, and behave in the Senate with decorum;
- (b) no Senator shall cross the floor of the Chamber unnecessarily;
- (c) Senators shall not read newspapers, books, letter or other documents except such matters therein as may be directly connected with the business under debate;
- (d) no Senator shall smoke in the Chamber;
- (e) while a Senator is speaking all other Senators shall be silent and shall not make unseemly interruptions.

#### **41 Chair to be heard in silence**

Whenever Senators are called to order by the Chair, or whenever the Chair rises during a debate, any Senator then speaking, or offering to speak, shall sit down, and the Senate or Committee shall be silent so that the Chair may be heard without interruption.

#### **42 Decision of Chair Final**

Tuan Yang di-Pertua in the Senate or the Chairman in Committee shall be responsible for the observance of the rules of order in the Senate and Committee respectively, and his decision on any point of order shall not be open to appeal and shall not be reviewed by the Senate except upon a substantive motion moved for that purpose. Such a motion shall not require more than two days' notice.

### **43 Order in the Senate**

(1) The Chair, after having called the attention of the Senate, or of the Committee, to the conduct of a Senator who persists in irrelevance, or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

[2] The Chair shall order any Senator whose conduct is grossly disorderly to withdraw immediately from the Senate during the remainder of that day's sitting, and may direct such steps to be taken as are required to enforce his order; but if, on any occasion, the Chair deems that the powers under the previous provisions of this Order are inadequate, he may name such Senator or Senators, in which event the same procedure shall be followed as is prescribed in paragraphs (3), (4), (5) and (6).

[3] Whenever a Senator has been named by the Chair immediately, after the commission of the offence of disregarding the authority of the Chair, or of persistently and wilfully obstructing the business of the Senate by abusing the rules of the Senate, or otherwise, then, if the offence has been committed by such Senator in the Senate a motion shall forthwith be proposed and seconded by any two Senators present "*That Senator ..... be suspended from the service of the Senate*", and Tuan Yang di-Pertua shall forthwith put the question on that motion, no amendment, adjournment or debate being allowed; and, if the offence has been committed in Committee of the whole Senate, the Chairman shall

forthwith suspend the proceedings of the Committee and report the circumstances to the Senate; and Tuan Yang di-Pertua shall on a motion being made forthwith put the same question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the Senate itself.

(4) Not more than one Senator shall be named at the same time, unless two or more Senators present together have jointly disregarded the authority of the Chair.

(5) If a Senator is suspended under the provisions of this Order, he shall be directed by Tuan Yang di-Pertua to withdraw, and his suspension shall last until the end of the meeting.

(6) If a Senator, or two or more Senators acting jointly who have been suspended under this Order from the service of the Senate, shall refuse to obey the direction of Tuan Yang di-Pertua to withdraw, when severally summoned under Tuan Yang di-Pertua's orders to obey such direction, Tuan Yang di-Pertua shall call the attention of the Senate to the fact that recourse to force is necessary in order to compel obedience to his direction. When the Senator or Senators named by him as having refused to obey his direction have been removed from the Senate they shall thereupon without any further question being put be suspended from the service of the Senate during the remainder of the session.

(7) Senators who are ordered to withdraw under paragraph (2) or who are suspended from the service of the Senate under paragraphs (3) and (6), shall forthwith withdraw from the precincts of the Senate and shall be excluded therefrom for the remainder of the sitting or for the period of their suspension, as the case may be.

(8) In the case of grave disorder arising in the Senate Tuan Yang di

Pertua may, if he thinks it necessary so to do, adjourn the Senate without putting any question, or suspend the sitting for a time to be fixed by him; and in the case of grave disorder arising in Committee of the whole Senate the Chairman may suspend the proceedings of the Committee and report the circumstances to the Senate, and the President may thereupon take action as though the disorder has arisen in the Senate.

(9) Nothing in this Order shall be taken to deprive the Senate of the power of proceeding against any Senator according to any resolution of the Senate.

#### **44 Decision of Questions**

(1) Subject to the provisions of Clause (1) of Article 89 of the Constitution and Clause (3) of Article 159 of the Constitution and these Orders, the Senate shall, in accordance with the provisions of Clause (3) of Article 62 of the Constitution, take its decision by a simple majority of members voting; and Tuan Yang di-Pertua or any other person presiding shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

(2) In accordance with the provisions of Clause (5) of Article 62 of the Constitution, a Senator absent from the Senate shall not be allowed to vote.

#### **45 Collection of Voices**

(1) No Senator may speak to any question after the same has been fully put from the Chair.

(2) A question is fully put, when the Chair has collected the voices both of the Ayes and of the Noes.

(3) When the question has been put by the Chair at the conclusion of the debate the votes shall be taken by voices *Aye* and *No* and (provided that no Senator then claims a division) the result shall be declared by the Chair.

(4) If the opinion of the Chair as to the decision of a question is challenged by any Senator calling for a division, the Chair shall call upon Senators desiring a division to rise in their places. If less than eight Senators so rise, the Chair shall either declare the result forthwith or order a division. If eight *or more* Senators so rise, the Chair shall order a division, and shall, after such warning as he may consider necessary, appoint Tellers.

#### **46 Divisions**

(1) When a division has been ordered, the Tellers shall ask each Senator separately how he desires to vote, and the Setiausaha shall enter on the Votes and Proceedings a record of each Senator's vote and of the Senators who abstained from voting.

(2) When a Senator is asked how he desires to vote at a division, he may answer either by voting for the *Ayes* or for the *Noes*, or by expressly stating that he abstains from voting. A Senator shall not answer in a manner inconsistent with any opinion which he may have expressed when the voices were taken collectively.

(3) When every Senator present has been asked how he desires to vote, the Chair shall state the numbers voting for the *Ayes* and for the *Noes* respectively and shall then declare the result of the division, or give his casting vote, as the case may require.

(4) If a Senator 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 Chair has announced the numbers and before the Chair has declared the result of the division.

(5) A Senator shall not vote on any subject in which he has a direct personal pecuniary interest other than the matter of remuneration under any provision of the Constitution), but a motion to disallow a Senator's vote on this ground may only be made immediately after the numbers of the Senators voting on the question have been declared. If a motion for the disallowance of a Senator's vote is agreed to, the Chair shall direct the Setiausaha to correct the numbers voting in the division accordingly.

#### **47 Procedure as to Bills**

A Senator may after at least one day's notice present a Government Bill without an order of the Senate for its introduction, and when a Government Bill is so presented the title of the Bill shall be read by the Setiausaha at the Table and the Bill shall then be deemed to have been read the first time and shall stand for Second Reading at the same or a subsequent sitting of the Senate.

#### **48 Private Senators' Bills**

(1) Any private Senator desiring to introduce a Bill may, subject to the provisions of Article 67 of the Constitution, apply to the Senate for leave to do so, and shall, at the same time, submit a copy of the Bill with an explanatory statement of the objects and reasons but shall not contain any argument.

(2) Every such application shall be made in the form of a motion, and the Senator making such application shall at the same time deliver to the Setiausaha a copy of his motion containing the title of his proposed Bill.

(3) Leave being granted on a question put and carried, the Bill shall be deemed to have been read the first time and ordered to be printed and a

copy of the Bill shall be delivered to the Setiausaha.

(4) The Bill shall, subject to Standing Order 50, thereupon be printed and circulated to Senators, and shall stand referred without discussion to the Minister concerned with the subjects or functions to which the Bill relates or, if there is no such Minister, then to such other Minister or Senator as Tuan Yang di-Pertua may nominate; and no further proceedings shall be taken upon such Bill until the Minister or Senator to whom it has been referred has reported to the Senate thereon.

(5) After the report referred to in the preceding paragraph of this Order has been made, the Bill shall be set down for second reading upon such day as the Senator in charge of the Bill shall desire.

#### **49 Private and Hybrid Bills**

(1) Where any Senator proposes to introduce a Bill which is intended to affect or benefit some particular person, association, or corporate body (referred to in these Orders as a "Private Bill") notice of the Bill shall be given by advertising a statement of its general nature and objects in the *Gazette*, and also in at least one newspaper circulating in Malaysia, such advertisements being published at least one month before the day on which a motion for leave to introduce the Bill is to be moved. Leave being granted on a question put and carried, the Bill shall be deemed to have been read a first time and ordered to be printed, and a copy of the Bill shall be delivered to the Setiausaha; and the Bill shall, subject to Standing Order 50, thereupon be printed and circulated to members.

(2) Every Private Bill shall contain a section saving the rights of His Majesty the Yang di-Pertuan Agong, of their Highnesses the Rulers and their Excellencies the Yang di-Pertua-Yang di-Pertua Negeri, of all bodies politic and corporate and of all others, except such as are mentioned in the Bill, and those claiming by, from or under them.

(3) Every Private Bill, and any other Bill which in the opinion of the President appears to affect prejudicially individual rights or interests (referred to in these Orders as a "Hybrid Bill") shall, after being read a second time, be referred to a Select Committee, before which any affected party who has previously presented a petition to the Senate under the provisions of Standing Order 18 may be heard upon that petition, either in person or by counsel.

(4) No Senator shall be allowed to sit on such Select Committee until he has made and signed a declaration

(a) that he has no personal pecuniary interest in the Bill; and

(b) that he will not vote on any question that may arise, and in respect of which evidence may be given, without having duly heard and attended to the evidence relating thereto.

(5) Every Select Committee on a Private or Hybrid Bill shall require proof of the facts and other allegations set forth in the Bill as showing that it is expedient that the Bill should be passed, 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.

(6) If the Committee finds that the said facts and allegations have been proved, the Committee shall proceed as provided in Standing Order 57, and in respect of all amendments which it makes shall describe their purport in a special report to the Senate.

(7) 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*.

(8) The Senator in charge of the Bill shall be responsible for the payment of all expenses incurred in the promotion of the Bill.

## **50 Form of Bills**

- (1) Before any Bill is printed the Setiausaha shall satisfy himself that -
- (a) the Bill is divided into clauses numbered consecutively;
  - (b) a short indication of the contents of each clause appears in the margin thereto;
  - (c) the Bill contains nothing foreign to what the title thereto imports;
  - (d) the Bill complies with the provisions of Standing Orders.

(2) If the Setiausaha is not satisfied that the provisions of paragraph (1) have been complied with in any respect, he shall so report to Tuan Yang di-Pertua; and if Tuan Yang di-Pertua is of such opinion he shall direct the Setiausaha to inform the Senator in charge of the Bill that the Bill may not be printed until the said provisions have been complied with.

(3) As soon as possible after the printing of a Bill the Setiausaha shall circulate a copy to every Senator and a short explanatory statement shall accompany the Bill.

## **50A Enacting formula**

The enacting formula for all Bills shall be as follows:

"Enacted by the Parliament of Malaysia as follows;"

Provided that in the case of any law having effect pursuant to Article 68 of the Federal Constitution the enacting formula shall be as follows:

"Enacted by the Parliament of Malaysia pursuant to Article 68 of the Federal Constitution as follows:".

## **51 Parties affected**

In any case in which individual rights or interests may be peculiarly affected by any Bill, all parties so affected may be heard upon petition before any Committee to whom the Bill is referred either in person or by counsel.

## **52 Second Reading**

(1) If it is intended to proceed with the Bill at the same or next sitting or meeting, notice of a second reading must be given immediately after its first reading.

(2) No Bill shall be read a second time until it has been circulated to Senators.

(3) When (he second reading of any Bill is reached in the Order of Business, 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.

Provided that on the second reading of a Bill (introduced in the Dewan Rakyat under paragraph (a) of Article 102 of the Constitution) to authorise expenditure for part of the year, the debate shall not extend to matters of Government policy and administration nor to the purposes for which the sums included in the Bill are required to be expended.

(4) On the second reading of a Bill, an amendment<sup>t</sup> of which at least one

day's notice in writing has been given may be proposed to the question, "*That the Bill now read a second time*", to leave out the word "*now*" and add, at the end of the question, "on this day six months", or in the alternative, 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 House agrees to an amendment in either of such forms, the second reading of the Bill shall be considered to have been negatived.

### **53 Committal of Bills**

(1) When a Bill has been read a second time it shall stand committed to a Committee of the whole Senate unless the Senate 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 Senator, the question thereon shall be put forthwith and shall be decided without amendment or debate.

(2) When an annual or supplementary Supply Bill or a Bill (introduced in the Dewan Rakyat under paragraph (a) of Article 102 of the Constitution to authorise expenditure for part of the year has, been read a second time it shall be ordered to be read the third time either forthwith or on such future day as a Minister may name.

### **54 Functions of Committees on Bills**

(1) Any Committee to which a Bill is committed shall not discuss the principle of the Bill but only its details.

(2) Subject to the provisions of Article 67 of Constitution, any such Committee shall have power to make such amendments therein as it 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, the Committee shall amend the title accordingly, and shall report the same to the Senate.

### **55 Committee of the whole Senate**

If any Senator, before the conclusion of proceedings on a Bill in Committee of the whole Senate, moves to report progress and such motion is carried, or if the proceedings in a Committee of the whole Senate have not been finished at 5.30 p.m., Tuan Yang di-Pertua shall report progress to the Senate and ask its leave to sit again, and a day for the resumption of the proceedings shall be named by the Senator in charge of the Bill.

### **56 Procedure in Committee of the whole Senate on a Bill**

(1) The Setiausaha shall call the number of each clause or a number of clauses in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, the Chairman shall propose the question "*That the clause [as amended) stand part of the Bill*" and, when all Senators who wish to speak thereon have spoken, he shall put that question to the Committee for its decision.

(2) At least one day's notice of any proposed amendments shall be given. Any proposed amendments of which notice has not been given shall not be handed to the Chairman in writing and shall not be moved unless the Chairman is satisfied that in the circumstances it was not practicable to give such notice.

(3) 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 contrives the provisions of this paragraph.

(4) The Chairman may refuse to propose the question upon any amendment which in his opinion

(a) would make the clause or schedule which it proposes to amend unintelligible or ungrammatical

(b) is frivolous; or

(a) amounts to a proposal to omit the whole substance of a clause for the purpose of inserting other provisions.

(5) The provisions of paragraph (4) of Standing Order 32 shall apply to the discussion of amendments to Bills, with the substitution where appropriate of the word "clause" for the word "motion" or the words "question", and of the word "chair" for the words "Tuan Yang di-Pertua"; and any amendment proposed to such an amendment shall be dealt with before a decision is taken on the original amendment.

(6) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.

(7) Any proposed new clause shall be considered after the clauses of the *Bill* have been disposed of and before consideration of any schedule to the Bill:

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

(8) On the title of any new clause being read by the Setiausaha, the clause shall 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 agreed 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*".

(9) 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.

(10) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "*That the preamble [as amended] be the preamble to the Bill*". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(11) If any amendment to the title of the Bill is necessary it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the title [as amended] stand part of the Bill; nor shall any question be put upon the enacting formula.

(12) At the conclusion of the proceedings in Committee on a Bill, the Senator in charge of the Bill shall move "*That the Bill [as amended] be reported to the Senate*", and the question thereon shall be decided without amendment or debate.

(13) So soon as a Committee of the whole Senate has agreed that a Bill be reported, the Chairman shall leave the Chair of the Committee and the Senate shall resume, and the member in charge of the Bill shall report it

to the Senate and the Senate may proceed to the third reading of the Bill.

### **57 Procedure in Select Committee on a Bill**

(1) A Select Committee on a Bill shall be subject to all the provisions of Standing Orders 75 and 76, but before reporting the Bill to the Senate it shall go through the Bill as provided in paragraphs (1) to (4) of Standing Order 56.

(2) When a Bill has been amended in a Select Committee, the whole text of the Bill as amended shall, if practicable, be printed as part of the report of the Select Committee; but if this is not practicable the text of every clause or schedule amended and of every new clause or new schedule added shall be so printed.

### **58 Recommittal of Bills reported from Committee of the whole Senate**

(1) If any Senator desires to delete or amend any provisions contained in a Bill as reported from a Committee of the whole Senate or to introduce any new provisions therein he may at any time before a Senator rises to move the third reading of the Bill, move that the Bill be recommitted either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule, no notice of such motion being required, and if the motion is agreed to the Bill shall stand so recommitted. The Senate shall in accordance with the provisions of paragraph (1) of Standing Order 53 resolve itself into Committee to consider the business so recommitted. If a motion to recommit a bill be opposed, Tuan Yang di-Pertua shall permit a brief explanatory statement of the reasons for recommittal from the Senator who moves and from a Senator who opposes the motion, and shall then without further debate put the question thereon.

(2) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in Standing Order 56.

(3) When the Bill has been recommitted in respect only of some particular part or parts or of some proposed new clause or new schedule, the Committee shall consider only the matter so recommitted and any amendment which may be moved thereto.

(4) At the conclusion of the proceedings in Committee on a Bill recommitted under the provisions of this Order the Senator in charge of the Bill shall move "*That the Bill [as amended on recommitment] be reported to the Senate*" and the question thereon shall be decided without amendment or debate.

## **59 Proceedings on Bills reported from Select Committees**

(1) When a Bill has been reported from a Select Committee, the Senate shall proceed to consider the Bill as reported from the Select Committee upon a motion "*That the report of the Select Committee be approved*".

(2) If that motion is agreed to without amendment, the Senate may proceed to the third reading of the Bill as reported from the Select Committee.

(3) Upon a motion to approve the report of a Select Committee on a Bill, any Senator may propose an amendment to add, at the end of the motion, the words "*subject to the recommitment of the Bill [either wholly or in respect only of some particular part or parts or of some proposed new clause or new schedule] to a Committee of the whole Senate*", and if that motion is agreed to with such an amendment, the Bill shall stand so recommitted. The Senate may then, upon a motion made in accordance with the provisions of paragraph (1) of standing Order 53 resolve itself into

a Committee to consider the business so recommitted.

(4) A Committee of the whole Senate upon a Bill recommended under the provisions of this Order shall proceed in accordance with the provisions of paragraph (2) or (3) of Standing Order 58, and the conclusion of its proceedings and the remaining proceedings on the Bill shall be subject to the provisions of paragraph (4) of that Order.

## **60 Third Reading**

(1) On the third reading of a Bill amendments may be proposed to the question *That the Bills he 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 oversight may, with Tuan Yang di-Pertua'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.

## **60A Act to be Gazetted and Correction by Setiausaha**

(1) Every Act upon assent by Seri Paduka Baginda Yang di-Pertuan Agong shall be published as soon as possible in the Government Gazette.

(2) At any time before the publication of such Act, the Setiausaha, after consultation with the Setiausaha to the Dewan Rakyat, may correct grammatical and typographical mistakes in the Act or repetitions of substance or cross references or punctuation marks or marginal notes or shoulder notes and for any such purpose may make any additions, omissions or substitutions of any words.

(3) The Setiausaha may, upon the application of a Senator presenting a petition, paper, question, motion, notice. Bill or other document, as the case may be, take action as provided in paragraph (2)."

## **61 Withdrawal of Bills**

Either before the commencement of public business or when any stage of a Bill is reached in the Order of Business, the Senator in charge of a Bill may, without notice, make a motion, which shall not be liable to amendment or debate that the Bill be withdrawn or that the next stage of the Bill be postponed.

## **62 Bills containing substantially the same provisions**

Once the second reading of any Bill has been agreed to or negatived, no question shall be proposed during the same session for the second reading of any other Bill containing substantially the same provisions.

## **62A Lapsing of Bills**

A Bill introduced after the coming into operation of this Order which has not been agreed to by both Houses before the next prorogation or dissolution of Parliament after the Bill was introduced shall not be further proceed with, without prejudice however to the introduction in a subsequent Session of Parliament of a Bill for the like purposes.

## **63 Waiver of Printing of Bills**

Notwithstanding anything in any Standing Order, wherever Tuan Yang di-Pertua is satisfied that for any reason the printing of any Bill is impracticable by reason of urgency, he may so certify such Bill, and the Bill may be proceeded with in spite of the fact that it has not been printed, provided that cyclostyled or type-written copies are available for the use of Senators, and may be taken through all its stages in such form.

#### **64 Messages to the House of Representatives**

(1) When a Bill has been read a third time and passed by the Senate, Tuan Yang di-Pertua shall send a Message to Tuan Yang di-Pertua Dewan Rakyat informing him -

(a) that the Senate has passed the Bills, or

(b) if the Bill was brought from the House of Representatives, that the Senate has agreed to the Bill with or without amendment,

and desiring the concurrence of the House of representatives to the Bill or to the amendments made by the Senate to the Bill, as the case may be.

(2) The Setiausaha shall transmit to the House of Representatives the said Message, together with a clean copy of the Bill endorsed by him, or the copy of the Bill as brought from the House of Representatives with the amendments (if any) made by the Senate clearly marked therein, and with the Setiausaha's endorsement thereon.

(3) Nothing in this Standing Order shall affect the provision of Article 68 of the Constitution.

#### **65 Message from the House of Representatives**

(1) A Message from the House of Representatives shall be received in the Setiausaha's office at any time during a sitting of the Senate.

(2) The Setiausaha shall immediately cause the Message to be delivered to Tuan Yang di-Pertua.

(3) As soon as may be, but without interrupting a Senator who is addressing the Chair, Tuan Yang di-Pertua shall direct the Setiausaha to read the said Message.

(4) When the Senate is not sitting a Message from the House of Representatives shall be received by the Setiausaha, who shall cause the Message to be delivered to Tuan Yang di-Pertua; and Tuan Yang di-Pertua may direct the Setiausaha to read the said Message at the next convenient sitting of the Senate.

## **66 First Reading of Bills brought from the House of Representatives**

(1) All Bills brought from the House of Representatives shall lie upon the Table until a day is named for second reading.

(2) At any time after the receipt of a Message from the House of Representatives recording that a Bill has been passed by the House of Representatives a Senator may inform the Setiausaha that he will sponsor the Bill and name a day for second reading.

(3) The Setiausaha shall thereupon endorse the Senator's name upon the back of the Bill and record in the Votes and Proceedings that the said Bill has been read a first time and ordered to be read a second time upon the day named and to be printed.

## **67 Consideration of House of Representatives' Amendments to Bills, etc.**

(1) At any time after the Message from the House of Representatives agreeing to a Bill with one or more amendments has been read, the Senator who was in charge of the Bill in the Senate may, by notifying the Setiausaha at the Table, name a day (not being less than five clear days from the day on which such notice was given) for the consideration of the

## House of Representatives' amendments:

Provided that if Than Yang di-Pertua is satisfied that any amendments made by the House of Representatives to a Bill are either drafting amendments or carry out the intention of the Senate and are not numerous, he shall so inform the Senate, and the Senate may order such amendments to be considered forthwith.

(2) When a future day is named for the consideration of the House of Representatives amendments, an order for the printing of such amendments shall be deemed to have been made and the appropriate entry shall be inserted in the Votes and Proceedings.

(3) A similar procedure shall be followed in respect of any Message from the House of Representatives relating to the subsequent stages of a Bill.

### **68 Procedure on consideration of House of Representatives' Amendments to Bills, Amendments, etc.**

(1) A motion to divide an amendment made by the House of Representatives is in order and amendments may be moved to such an amendment provided that

(a) notice of such motion or amendment has been given, and

(b) the question, "*That the Senate agrees (or disagrees) with the amendment made by the House of Representatives*" has not been proposed from the Chair.

(2) When any such motion and/or amendment have been disposed of, the Senator in charge of the Bill shall move "*That the Senate agrees*" (or *disagrees*) "*with the amendment made by the House of Representatives*" (as amended).

(3) Only such amendments may be proposed to the Bill as are either consequential on amendments made by the House of Representatives or on amendments made by the Senate to the amendments of the House of Representatives or are in lieu of an amendment made by the House of Representatives to which the Senate has disagreed.

(4) When one or more amendments made by the House of Representatives to a Bill have been disagreed to, Tuan Yang di-Pertua shall, as soon as the consideration of the amendments made by the House of Representatives to that Bill has been concluded, nominate three Senators (of whom the Senator in Charge of the Bill shall be one) to be a Committee to draw up a Reason (or Reasons) to be assigned to the House of Representatives for the rejection of their amendment (or amendments); two shall be the quorum of that Committee and they shall withdraw and report as soon as may be: the Penolong Setiausaha or some other officer authorised by the Setiausaha shall be the Setiausaha to the Committee whose Report shall be presented to the Senate by being handed to the Setiausaha at the Table and when presented shall be deemed to have been agreed to by the Senate and shall be entered in full in the Votes and Proceedings together with a record of such agreement and the said Reason or Reason shall be incorporated by the Setiausaha in a Message to the House of Representatives and shall be transmitted to the House of Representatives together with the Bill duly endorsed by him.

(5) A similar procedure shall be followed in respect of any amendments made by the House of Representatives to amendments made by the Senate.

(6) Nothing in this Order or in Standing Order 69 shall be deemed to affect the powers of the Senate under Article 68 of the Constitution.

## **69 Procedure on subsequent stages of Bills**

(1) On the consideration of a Reason assigned by the House of Representatives for the rejection of an amendment made by the Senate, it shall be in order to move "*That the Senate insists upon its amendment to which the House of Representatives has disagreed*" or "*That the Senate does not insist upon its amendments to which the House of Representatives has disagreed*" and if the latter motion be carried then it shall be in order to move amendments to the amendment to which the House of Representatives has disagreed or to move an amendment to the Bill in lieu thereof and at the conclusion of such proceedings the Setiausaha shall endorse the Bill and transmit it with the appropriate Message to the House of Representatives.

(2) If the Senate insists upon any amendment to which the House of Representatives has disagreed (the procedure referred to in paragraph (4) of Standing Order 68 will be followed.

(3) Subject to the provisions of Article 68 of the Constitution, on the consideration of an amendment disagreed to by the Senate upon which the House of Representatives insists it shall be in order either to move "*That the Bill be laid aside*" and if such motion be carried no further proceedings shall take place upon that Bill and no Message shall be sent to the House of Representatives, or "*That the Senate does not insist upon its disagreement with the House of Representative in respect of the amendment upon which that House insists*" and if the latter motion be carried it shall be in order to move amendments to the amendment upon which the House of Representatives has insisted or to move an amendment to the Bill in lieu thereof, and the Clerk shall at the conclusion of such proceedings transmit to the House of Representatives the Bill duly endorsed by him together with the appropriate Message.

## **SELLECT COMMITTEES**

### **70 Committee of Selection**

(1) There shall be a Committee to be known as the Committee of Selection appointed at the beginning of every session to perform the functions allotted to it by these Standing Orders, and for such other matters as the Senate may from time to time refer to it.

(2) The Committee of Selection shall consist of Tuan Yang di-Pertua as Chairman, and four Senators to be elected by the Senate. The Committee shall inform the Senate by means of a report when any Senator has been nominated to any Committee. The Committee shall not have power to send for persons, documents and papers unless the Senate so resolves.

### **71 House Committee**

(1) There shall be a Committee to be known as the House Committee, to consist of Tuan Yang di-Pertua as Chairman and four Senators to be nominated by the Committee of Selection as soon as may be after the beginning of each session, to consider and advise Tuan Yang di-Pertua upon all matters connected with the comfort and convenience of and services and amenities available to Senators. The Committee shall not have power to send for persons, documents and papers unless the Senate so resolved.

(2) The minute of meetings of the House Committee shall be circulated to all Senators.

(3) The Committee is empowered to confer or sit as a Joint Committee with the House Committee of the Dewan Rakyat.

## **72 Committee of Privileges**

(1) There shall be a committee to be known as the Committee of Privileges to consist of Tuan Yang di-Pertua as Chairman and four Senators to be nominated by the Committee of Selection as soon as may be after the beginning of each session. There shall be referred to this Committee any matter which appears to affect the powers and privileges of the Senate. It shall be the duty of the Committee to consider any such matters to them referred, and to report on them to the Senate.

(2) Whenever the Senate is not sitting a Senator may bring an alleged breach of privilege to the notice of the President who may, if he is satisfied that a *prima facie* breach of privilege has been committed, refer such matter to the Committee, which shall report thereon to the Senate.

(3) The Committee shall have power to send for persons, documents and papers and to report from time to time.

## **73 Standing Orders Committee**

(1) There shall be a Committee to be known as the Standing Orders Committee to consist of Tuan Yang di-Pertua as Chairman, and six other members to be nominated by the Committee of Selection as soon as may be after the beginning of each session. It shall be the duty of the Committee to consider from time to time and report on all matters relating to the Standing Orders which may be referred to it by the Senate. The Committee shall not have power to send for persons, documents or papers unless the Senate so resolves.

(2) if a notice of motion involves any proposal for the amendment of Standing Orders, the notice shall be accompanied by a draft of the proposed amendments, and the motion when proposed and seconded shall stand referred without any question being proposed thereon to the

Standing Orders Committee, and no further proceedings shall be taken on any such motion until the Standing Orders Committee has reported thereon.

#### **74 Select Committees**

(1) A Select Committee shall be appointed by order of the Senate and subject thereto shall consist of such members as may be nominated by the Committee of Selection.

(2) Subject to the order of the Senate a Select Committee shall (unless the Senate shall have nominated a Senator as Chairman) have power to elect its own Chairman. If the member so elected 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.

(3) In the event of the death of a member appointed to a Committee, or if his seat becomes vacant for any other reason, the Senate or the Committee of Selection, as the case may require, shall appoint another Senator in his place.

#### **75 Procedure in Select Committees**

(1) Except as otherwise provided in Standing Orders 70 to 73 (dealing with Standing Committees), this Order shall apply to all Select Committees.

(2) A Select Committee shall have power to send for persons, documents or papers, and shall have leave to report its opinion and observations, together with the minutes of evidence taken before it to the Senate.

(3) Unless the Senate otherwise directs, three members including the Chairman shall be the quorum.

(4) The deliberations of a Select Committee shall be confined to the

case of a Committee on a Private or Hybrid Bill, the petitioner requiring such witnesses shall deliver to the Setiausaha, two days at least before the day appointed for their examination a list containing the name, residence and occupation of every witness. The Setiausaha shall then summon such witnesses on behalf of the Senate.

Provided that except in the case of witnesses required to be examined by a Select Committee on a Bill, and so required by the Senator in charge of the Bill or a petitioner, the Setiausaha shall not summon a witness unless the Chairman, on behalf of the Committee, has made an order (to be delivered to the Setiausaha at least four days before the day appointed for the examination) for the summoning of the witness.

(10) Unless the Chairman otherwise directs, the evidence of every witness shall be *taken down verbatim* and sent in proof to the witness. The witness shall be at liberty within seven days from that on which the Setiausaha sent out the proof to suggest corrections due to inaccurate reporting and the evidence shall be printed with such of the correction as may be approved by the Chairman.

(11) The Committee may at its discretion refuse to hear any irrelevant evidence or any recalcitrant witness.

(12) (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 order until one is accepted as a 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 Senator.....'s) report be read a second time, paragraph by paragraph*". When this

matter referred to it by the Senate and any extension or limitation thereof made by the Senate, and, in the case of a Select Committee on a Bill, to the Bill committed to it and relevant amendments.

(5) The first meeting of a Select Committee shall be held at such and place as the Chairman in the case of the Standing Orders Committee, or Tuan Yang di-Pertua in the case of a Select Committee, shall appoint. Subsequent meetings shall be held at such time and place as the Committee may determine:

(6) Provided that if the Committee fails to do so the Chairman shall, in consultation with the Setiausaha to the Senate, appoint such times and places.

Except by leave of the Senate no Select Committee shall sit while the Senate is sitting.

(6A) A Select Committee the life of which is not limited when it is appointed shall continue in being until the completion of the task in respect of which it was appointed or until the dissolution of the House.

(7) A Select Committee may continue its investigations although the Senate may be adjourned: and the Committee of Selection may, in the case of the death or unavoidable absence of a Senator, nominate another Senator to take the place of such member on the Committee. Every nomination under this Order shall be announced to the Senate at its next meeting.

(8) The Setiausaha to the Senate or a Setiausaha appointed by him shall be the Setiausaha to every Select Committee.

(9) When it is intended to examine any witnesses, the Senator or, in the

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 to it.

(b) The Committee shall then proceed to go through the report paragraph by paragraph, and the provisions of paragraphs (1) to (8) and (10) of Standing Order 56 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 Senate.

(13) The provisions of paragraph (7) of Standing Order 34 shall apply to the deliberation of a Select Committee.

## **76 Divisions in Select Committees**

(1) 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.

(2) In taking the division, the means of all members of the Committee present shall be called in alphabetical order.

(3) When a division is claimed in a Select Committee every member of the Committee present shall, unless he expressly states that he declines to vote, record his vote either for the Ayes or Noes. The Setiausaha to the Committee shall enter in the Minutes of the Proceedings the records of each Senator's vote, and shall add a statement of the names of Senators who declined to vote. A Senator must vote according to his voice.

(4) As soon as the Setiausaha 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 not have an original vote but in the event of an equality of votes he shall give a casting vote.

(5) 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 results of the division.

(6) The provisions of paragraph (5) of Standing Order 46 shall apply to a division in a Select Committee.

#### **77 Premature publication of evidence**

The evidence taken before any Select Committee and any documents presented to such Committee shall not be published by *any member* of such Committee, *or by* any other person, before the Committee has presented its Report to the Senate.

#### **78 Reports from Select Committees**

(1) Every Select Committee shall make a report to the Senate upon the matters referred to it before the end of the session in which the Committee was appointed, but if a Committee finds itself unable to conclude its investigations before the end of the session, it may so report to the Senate.

(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 Senate.

(3) A report or special report together with the minutes of the proceedings of a Select Committee and the minutes of any evidence taken before that Committee shall be presented to the Senate by the Chairman or other member deputed by the Committee and shall be ordered to lie upon the Table and be printed without question put.

(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 or Bill, together with a note of any division taken in the Committee and of the names of Senators voting therein or declining to vote.

(5) Any Senator may, after not less than two days' notice move in the Senate that the report of a Select Committee be adopted.

(6) When a Bill has been reported from a Select Committee the report shall be subject to the provisions of Standing Order 59.

## **79 Joint Deliberations of Select Committees with Select Committees of the House of Representatives**

Whenever the Senate decides to appoint a Select Committee to examine and report on any subject upon which it is desirable to consult with the House of Representatives, or to appoint a Standing Joint Committee to examine any matters affecting the welfare or internal administration of both Houses, the following procedure shall be followed:

(a) the Senate shall resolve that it is expedient that a Committee of both Houses be set up to consider a particular matter, or that a certain Bill or Bills be committed to a Committee of both Houses;

(b) the Setiausaha shall thereupon transmit a copy of such resolution to the Setiausaha to the House of Representatives;

(c) Representatives, the Senate shall thereupon appoint a Select Committee of the Senate, of such members as the Senate may order, to join with a Select Committee to be appointed by the House of Representatives; and such Committee shall have power (unless the Senate otherwise orders) to send for persons, documents or papers.

(d) the Setiausaha shall thereupon inform the Setiausaha to the House of Representatives of such appointment, and on behalf of the Senate shall request the appointment of an equal number of members of the House to join with the Select Committee of the Senate;

(e) on receiving a message from the House of Representatives indicating that the House has appointed and nominated its committee, with similar powers to those of the Select Committee, and any message proposing the time and place of meeting of the Joint Committee Tuan Yang di-Pertua shall, if such proposal be convenient, direct the Select Committee to meet the Committee of the House of Representatives accordingly.

## **80 Procedure and Reports of Joint Select Committees**

(1) In any Joint Committee appointed under the provisions of Standing Order 79 the procedure to be followed shall be that laid down in these Orders: provided that the Chairman of any Joint Committee shall be elected or appointed by the Committee.

(2) The provisions of these Standing Orders relating to Reports of a Select Committee shall apply to the Report of a Joint Committee: provided that the Report shall be presented, where the Chairman of the Joint Committee is not a member of the Senate, by such Senator as the Select Committee referred to in paragraph (c) of Standing Order 79 may

appoint.

## **81 Bills and Amendments involving taxation expenditure etc**

(1) In accordance with the provisions of Article 67 of the Constitution, a Bill or amendment making provision whether directly or indirectly for -

- (a) imposing or increasing any tax or abolishing, reducing or remitting any existing tax, or
- (b) the borrowing of money, or the giving of any guarantee, by the Federation or the amendment of the law relating to the financial obligations of the Federation;
- (c) the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;
- (d) the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal;
- (e) the compounding or remission of any debt due to the Federation;
- (f) the assignment of a tax or fee or the making of a grant to any State;
- (g) the receipt of moneys on account of the Consolidated Fund or the custody or issue of such moneys or the audit of the accounts of the Federation or a State being provision as respects which the Minister charged with responsibility for finance signifies that it goes beyond what is incidental only and not of a substantial nature having regard to the purposes of the Bill or amendment,

shall not be introduced in the Senate.

(1) A bill or amendment shall not be deemed to make provision for any of the said matters by reason only that it provides -

(a) for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered; or

(b) for the imposition, alteration or regulation of any tax or rate by any local authority or body for local purposes.

## **82 Suspension of Standing Order**

(1) Except with the consent of Tuan Yang di-Pertua, the Senate shall not proceed upon any Bill, amendment, motion or petition which, in opinion of Tuan Yang di-Pertua, would suspend the Standing Orders of the Senate or any of them.

(2) A question, the object or effect of which may be to suspend any Standing Order of the Senate shall be proposed only either after notice given, or with the consent of Tuan Yang di-Pertua.

## **83 Absence of Senators**

Without prejudice to the operation of Article 52 of the Constitution, a Senator shall acquaint the Setiausaha as early as possible of his inability to attend any meeting of the Senate.

## **84 Employment of Senators in Professional Capacity**

No Senator shall appear before the Senate, or any Committee thereof, in any capacity for which he is to receive a fee or reward, or as Advocate and Solicitor for any party.

## **85 Strangers**

Strangers shall be admitted to debates in the Chamber of the Senate under such rules as Tuan Yang di-Pertua may from time to time make for the purpose.

(1) If any member takes notice that strangers are present, the Chair shall put forthwith the question "*That strangers do withdraw*", without permitting any debate or amendment.

(2) The Chair may, whenever he thinks fit, order the withdrawal of strangers from the whole or any part of the Chamber.

(3) Tuan Yang di-Pertua may cause to be taken into custody any unauthorised stranger whom he may see, or who may be reported to be in any part of the Chamber or gallery, and also any stranger who, having been admitted into any part of the Chamber or gallery, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while the Senate or any Committee of the whole Senate is sitting.

## **86 Press**

Tuan Yang di-Pertua may grant a general permission to the representative of any journal to attend the sittings of the Senate under such rules as he may from time to time make for that purpose. If such rules are contravened, such permission may be revoked.

## **87 Expenses of Witnesses**

The sum to be paid or tendered for the expenses of any person who is summoned to attend or to produce any document shall be the sum which, if that person were a witness attending a Court, would be payable to him in accordance with the rules for the time being in force under the code relating to criminal procedure:

Provided that in applying such rules any reference therein to a Judge or

to the Registrar of the High Court shall be construed as a reference to Tuan Yang di-Pertua or to the Setiausaha to the Senate, as the case may require.

## **88 Interpretation**

In these Standing Orders, unless the context otherwise requires -

"sitting" means a period during which the Senate is sitting continuously without adjournment inclusive of any suspension, and includes any period during which the Senate is in Committee;

"meeting" means any sitting or sittings of the Senate commencing when the Senate first meets after being summoned at any time and terminating when the Senate is adjourned for more than fourteen days or *sine die* or at the conclusion of a session;

"session" means the sittings of the Senate commencing when the Senate first meets after the prorogation or dissolution of Parliament and terminating when Parliament is prorogued or is dissolved without having been prorogued;

references to a Minister shall be construed as including references to a Deputy Minister; and Parliamentary Secretary references to a Select Committee shall be construed as references to a Special Select Committee.

## **89 Rulings of Yuan Yang di-Pertua**

The decision of Tuan Yang di-Pertua upon any point of interpretation of any of these Standing Orders, or upon matter of practice, shall "subject to a substantive motion moved for the purpose", be final, and Tuan Yang di-Pertua may from time to time issue rulings thereon.

## **90 Residuary Powers**

All matters not specifically provided for 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 Tuan Yang di-Pertua may from time to time direct, and in giving any such direction Tuan Yang di-Pertua shall have due regard to the usages of Commonwealth Parliamentary practice so far as such usages can be applied to the proceedings of the Senate.

## **91 Special provision concerning Ministers**

Whenever in exercise of the powers conferred by Clause (1) of Article 61 of the Constitution a Minister who is not a Senator takes part in the proceedings of the Senate he shall have all the powers and privileges conferred upon Senators by the Standing Orders and, without prejudice to the generality of such powers and privileges, when addressing the Senate on any motion of the Government shall have all the powers and privileges of the mover of such motion.