



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo IeNtshona Koloni

RULES OF PROCEDURE

FACT SHEET 3

REVISION 1, 4 JULY 2016

In terms of section 23 of the Constitution of the Western Cape, the Provincial Parliament may “determine and control its own internal arrangements, proceedings and procedures; and may make rules concerning its business...”. In doing so, the Provincial Parliament creates a framework for itself to discharge its constitutional functions.

Parliamentary procedure derives authority from the following sources:

- Practice;
- Standing rules and resolutions of the House;
- Rulings from the Chair; and
- Statute.

Practice

Practice is invented by Parliament itself and can be defined as that part of procedure which develops spontaneously during the course of sittings of the House. Practice is developed by precedents and is treated with the same respect in Parliament as judicial precedents are treated in the courts. The principal common characteristic of practice is to provide opportunity for debate and to ensure that decisions are not taken without full consideration.

Standing rules and orders

Standing rules and orders form the second main basis for procedure and are intended to expedite the progress of business in the House. The standing rules are made by the House (through its Rules Committee) and can be amended or repealed.

Rulings from the Chair

Rulings from the Chair are given in response to points of order raised in debates and such rulings are the principal source of modern practice. Rulings from the Chair apply the standing rules to new cases and bridge the gap between the standing rules and older practice.

Statute

The element of procedure that derives its authority from statute is relatively small. An example is the fact that a special majority is required to amend the Constitution of the Western Cape.