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NATIONAL ASSEMBLY OF ZAMBIA

PARLIAMENTARY PROCEDURE

15

ABSTRACT SERIES

POINT OF ORDER AND MATTERS OF URGENT PUBLIC IMPORTANCE

PREFACE

This Abstract is part of the Zambian Parliamentary Procedure Abstract Series and it describes the procedure pertaining to the raising of Points of Order, Points of Clarification and Matters of Urgent Public Importance. It is based on the National Assembly of Zambia Standing Orders of 2021 and the traditions as well as practices of Commonwealth Parliaments. It is intended to serve as a quick reference on the procedure of raising Points of Order and matters of urgent public importance.

It is, however, important to note that the information contained herein may not be exhaustive.

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ACTING CLERK OF THE NATIONAL ASSEMBLY

POINTS OF ORDER

A Point of Order is that which relates to the interpretation or enforcement of the rules of procedure and conduct of business in the House or such Articles of the Constitution that regulate the business of the House. The National of Zambia Standing Orders of 2021 define a Point of Order as a point indicating a breach of parliamentary procedure. This entails that when a Member notices something that is in breach of parliamentary procedure, regarding business being conducted, he or she can raise on a Point of Order, seeking the guidance and assistance of the Chair in respect of any obscurities in procedure.

Standing Order Nos. 131 to 133 give guidance on Points of Order as follows:

- (1) A member who is of the opinion that the rules of procedure have been breached by another member may raise a Point of Order.
- (2) A member who wishes to raise a Point of Order under paragraph (1), shall stand in his or her place and say "**on a Point of Order, Mr or Madam Speaker**", if in the House or "**on a Point of Order Mr or Madam Chairperson**" if in Committee of the Whole House.
- (3) In raising a Point of Order, a member shall cite the Standing Order, law on privilege of members, rule of procedure or practice, which has been allegedly breached.
- (4) Where a member does not cite the Standing Order, law on privileges of members, rule of procedure or practice breached, the presiding officer may insist on him or her doing so, and if he or she fails or does not adequately do so, the presiding officer may rule that the Point of Order is inadmissible.
- (5) A member shall not speak on his or her Point of Order until the Speaker recognises him or her.
- (6) A Point of Order shall only be raised in relation to the conduct of business of the House being transacted at the time the Point of Order is raised.
- (7) A Point of Order shall relate to the interpretation or enforcement of a law on privileges of members, or the procedure or practice regulating the business of the House.
- (8) A Point of Order shall not raise a substantive argument of a motion or resolution of the House.
- (9) When a Point of Order is raised, the member debating shall resume his or her seat, and no other member shall rise until the presiding officer has decided on the Point of Order.
- (10) After the presiding officer has decided on the Point of Order, the member who was on the floor at the time the Point of Order was raised, shall be entitled to continue his or her debate, unless the decision on the Point of

Order prevents him or her from doing so.

- (11) Despite the provisions of this Standing Order, the presiding officer shall decide whether or not the Point of Order is admissible.
- (12) The decision of a presiding officer on the admissibility of a Point of Order shall be final and binding and may not be challenged or questioned in the House.
- (13) A presiding officer may either rule on a Point of Order immediately or reserve his or her ruling.

In some cases, Points of Order have been misused by Members. In this regard, the Standing Orders provide guidance on the admissibility and inadmissibility of Points of Order. Particularly, Standing Order No. 132 provides that a Point of Order is admissible if it meets the following criteria:

- a) it is raised immediately after the alleged breach occurs;
- b) it is brief and precise;
- c) it is raised in civil language;
- d) it is not raised against a decision of the presiding officer; or
- e) it does not relate to a general interpretation of a written law.

On the other hand, a Point of Order cannot be admitted if:

- a) it is raised on another Point of Order;
- b) it is raised during Vice-President's Question Time;
- c) it is based on an administrative matter;
- d) it is on a presiding officer or an officer;
- e) a member is delivering his or her maiden speech;
- f) it is asking for information or to explain a member's position in the House;
- g) it is hypothetical or merely academic;
- h) it is on the basis that division bells did not ring or were not heard;
- i) a minister is delivering a ministerial statement on the Floor of the House; or
- j) the Republican President or a foreign visiting dignitary is addressing the House.

In addition to the above, a Member cannot reopen a Point of Order after it has been decided on by the Presiding Officer. However, a Member is allowed to submit a

written complaint to the Speaker if he or she observes a breach of rules long after the breach has occurred.

Notwithstanding the given criteria for admissibility or inadmissibility of Points of Order, Standing Order No. 133 gives prerogative to the Presiding Officer to either take or not take a Point of Order.

When a Point of Order relating to a particular business before the House is raised, the time taken in the disposal of the Point of Order is accounted towards the total time allocated for that business. It is, therefore, important that Points of Order are not unnecessarily raised so as to deprive the House of the most precious time it has for it to dispose of business before it.

Further, it is important not to confuse Points of Order with points of clarification. Points of clarification should also not be confused with personal statements/ explanations which are matters in which a Member may explain matters of a personal nature before the House after obtaining permission from the Speaker or the Deputy Speakers.

POINTS OF CLARIFICATION

Points of clarification are questions raised seeking more explanation on matters being debated at that particular moment in the House, which were not understood properly. For example, after a Minister or the Vice-President has delivered a Ministerial Statement, Members are offered a chance to ask questions or points of clarification on the Ministerial Statement delivered to the House.

MATTERS OF URGENT PUBLIC IMPORTANCE

Standing Orders also provide for a Member to raise an urgent matter that is considered to be in public interest. In doing so, the Member may, at the appropriate time, rise in his or her seat or indicate the intention electronically. By practice, matters of urgent public importance are raised at the beginning of a sitting, after the National Anthem, the prayer and ruling (s) or announcement (s) by the Presiding Officer.

When a Member indicates his or her intention to raise a matter of urgent public importance, the Presiding Officer may, with their discretion, recognise the Member and request him or her to state the matter he or she considers to be of urgent public importance. After that, the Presiding Officer has the prerogative according to Standing Orders No. 134 (3) (a) to (c) to:

- a) allow the matter as being one of urgent public importance and direct the Vice President or a minister to respond to the matter either immediately or on a specific future date;
- b) direct the Member to reduce in writing the urgent matter of public importance and schedule it for debate on a specific future date; or
- c) disallow the matter as not being one of urgent public importance.

With due regard to the discretion of the Presiding Officer to admit matters of urgent public importance, Standing Order No 135 provides the criteria for admitting or not admitting matters of urgent public importance. It states as follows:

- 1) A matter shall be considered urgent and of public importance if –
 - a) it is a case of recent occurrence;
 - b) it does not relate to a general state of affairs;
 - c) it involves the administrative or ministerial responsibility of the Government;
 - d) it requires the immediate attention of the House and the Government; and
 - e) it deals with only one substantive issue.

- 2) A matter is inadmissible as a matter of urgent public importance if –
 - a) it has not been raised at the earliest opportunity;
 - b) it has already been discussed by the House during the same Session;
 - c) it is not so serious as to require urgent attention; or
 - d) it is *sub judice*.

Where more than one matter of urgent public importance is admitted and the Presiding Officer considers that each matter justifies debate, the Presiding Officer shall give priority to the matter which, in his or her opinion, is the most urgent and important. If the Presiding Officer directs that debate on the matter of urgent public importance must take place on a specified date, the Member responsible is required to give Notice of Motion on the matter of urgent public importance and debate on such a matter does not exceed one hour. Once debate is concluded, the matter is concluded without any question being put or without subjecting the matter to a vote. Suffice to state that only one motion on a matter of urgent public importance can be debated on the same day.

CONCLUSION

It is to be noted that Members have other alternatives other than Points of Order to bring matters to the attention of the House. These avenues include: Question time, Private Members' Motion and Adjournment Motion.

The procedure of raising Points of Order, points of clarification, making interjections and raising matters of urgent public importance are contained in the National Assembly Standing Orders and are in tandem with practices, traditions and customs of other Commonwealth parliaments.
