



NATIONAL ASSEMBLY OF ZAMBIA  
PARLIAMENTARY PROCEDURE

2

---

ABSTRACT SERIES

## **DEBATE IN PARLIAMENT**

NATIONAL ASSEMBLY  
RESEARCH DEPARTMENT  
LUSAKA

## **PREFACE**

This Abstract is part of the *Zambian Parliamentary Procedure Abstract* and describes the procedure regarding debates in Parliament. The Abstract series is based on the provisions of *the National Assembly Powers and Privileges Act Cap. 12 of the Laws of Zambia and the National Assembly Standing Orders 2021*. It is hoped that this Abstract will give readers a basic understanding of how debates are conducted in the House and serves as a handy reference guide.

However, it should be noted that the information contained in this Abstract is not exhaustive.

Roy Ngulube

**ACTING CLERK OF THE NATIONAL ASSEMBLY**

## INTRODUCTION

The word debate can be defined as organised talk which is fundamental to all parliamentary procedure and a vital preliminary tool to every form of decision in Parliament. The organised talking and listening imposes a discipline on Members which is an important feature of debate.

## THE PROCESS OF DEBATE

Knowledge of the process of debate is of major importance to Members of Parliament, since debate is the medium through which Parliament works. The focus of the debate process in Parliament is for making legislation and for scrutinising any action taken by the Government.

In order that the process of debate functions smoothly, it is important that it should be subject to certain rules according to the *National Assembly (Powers and Privileges) Act, Cap 12 of the Laws of Zambia* and the National Assembly Standing Orders, 2021.

## FREEDOM OF SPEECH

Freedom of speech in Parliament is the hallmark of parliamentary democracy and debate. Therefore, the most important privilege attached to a Member of Parliament is the freedom of speech. If a Member is to function effectively in the House, he/she must be able to debate freely and to denounce abuses without fear of molestation from any source. This privilege is provided for under Section 3 of *the National Assembly (Powers and Privileges) Act, Cap 12 of the Laws of Zambia* which states that:

*“There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.”*

Section 4 of the same Act further provides that:

*“No civil or criminal proceedings may be instituted against any Member for words spoken or written in a report to the Assembly or Committee thereof or by reason of any matter or thing brought by him/her therein by Petition, Bill resolution, motion or otherwise.”*

However, this immunity does not mean that a Member in the House can say anything at any time. The House itself imposes certain restraints upon Members' utterances. It is for the House to guard against misuse of the freedom of speech. This is not done by legislation, but by internal discipline in the form of Standing Orders and the self-discipline of Members themselves. Any improper allegations in the House or in Committees of the House can be challenged immediately on a point of order or complaint to the Chairperson of the Committee on Privileges and Absences. Any such point of order may be firmly dealt with by the Speaker in the House or the Committee on Privileges and Absences.

## **WHEN A MEMBER MAY SPEAK**

A Member may address the House when speaking to any question or matter brought before the House in accordance with the Standing Orders; when moving a motion which will be open to debate; when moving an amendment; when he/she rises on a point of order; upon a matter of privilege; upon a definite matter of public importance; when granted leave to make a statement; and when granted leave by the Presiding Officer or Chairperson to make a personal explanation.

## **THE RIGHT OF SPEECH AND BEING HEARD**

Most parliamentarians enter the House with a view to making vocal contributions to its deliberations. It is, therefore, necessary that all Members have an equal right to speak within the limits imposed by the House. To exercise the right to speak, a Member must use the multi-media system to indicate to the Speaker his/her desire to speak. Having secured the opportunity to hold the Floor, he/she has the privilege of being heard in silence since he/she can only be interrupted if he/she is willing to give way and if the interrupter is called on by the Chairperson. Another Member may, nevertheless, rise on a point of order and, in such a case, the Chairperson may let him/her intervene. This is a privilege which is often abused, because a genuine point of order must, as its name implies, raise some question of order in the House - that is to say, an issue on procedure or personal conduct.

## **RESERVATION OF RIGHT TO SPEAK**

A Member who seconds a Motion, other than an amendment, without speaking to it, may reserve his/her right to address the House on the subject at a later stage of the debate.

## **SPEECHES IN THE THIRD PERSON**

Every Member who is called to speak must address himself/herself to the Chairperson. Addressing remarks to the Chairperson and referring to other Members indirectly keeps the debate above personalities, thus minimising tempers and preventing it from degenerating into mayhem.

## **UNPARLIAMENTARY LANGUAGE**

Utterances, in the course of debate against the character and proceedings of the House or its Members, which tend to degrade the Legislature, are prohibited. While there can be no exact definition of an unparliamentary expression, it may generally be said that improper expressions and unworthy motions, dishonesty, hypocrisy and lack of sincerity to fellow Members and personal attacks are unparliamentary.

## **READING OF SPEECHES**

No Member shall read his/her speech, but may read short extracts from written and printed papers in support of his/her argument and may refresh his/her memory by reference to notes. The idea is to have notes available, but studied thoroughly, so that a speech can

be made without them. The basic reason for this restriction is that the House should have some guarantee that the speech delivered by a Member has been prepared by himself/herself. However, a Minister is allowed to make a written speech because very often he/she has to make a policy statement in which he/she has to be very accurate, very specific and at the same time has to give elaborate details. This privilege is generally resorted to at the time of initiating debate on any measure; and not at the end of the discussion.

Another exception for reading speeches is when a new Member of Parliament is allowed by the Speaker to make his first speech in the House. This is referred to as a Maiden Speech.

However, when a Member, makes reference to a report or publication during his debate, he is expected to lay the same on the Table for purposes of reference and verification.

### **SPEAKING TWICE TO A QUESTION**

In the House, a Member may not speak more than once on any matter except where he/she has initiated a question or substantive motion, in which case he/she has a right to reply. However, in Committees, there is no restriction on the number of questions a Member may ask. Where an amendment has been moved, any Member who has already spoken to the main question may speak to the amendment; and any Member who has not spoken to the main question, but speaks to the amendment does not thereby forfeit his/her right to speak to the main question.

### **RELEVANCE**

It is a fundamental rule of debate that a Member should confine his/her speech to the question before the House. According to parliamentary practice and tradition, it is stated that the precise relevance of an argument is not always perceptible and the Chairperson may hesitate to intervene if he feels that a Member on the Floor can eventually bring his/her remarks to the point related to the question which has been proposed. As a last resort, the Speaker may direct a Member who persists in irrelevant or tedious repetition, either of his/her own arguments or of the arguments used by other Members in debate, to discontinue his/her debate.

### **ALLEGATIONS OF FACT**

Honourable Members must not allege specifics of fact as being true unless they are prepared to substantiate them by producing some kind of evidence which reasonably justifies such allegations.

There are some cases where it is reasonable to allow a Member time to corroborate something which he/she had stated in the course of a debate and did not come prepared to substantiate, or did not even know that he would be asked to do so. However, a Member must in all cases know what he/she is talking about and why he/she believes his/her statement to be true; he/she cannot be allowed to make groundless allegations as giving false evidence or documents intentionally is an offence against the House.

## **SUB JUDICE RULE**

Any Member of the House is barred from referring to sub-judice matters (matters before the courts of law) during parliamentary proceedings. The sub-judice rule is governed by parliamentary principles as follows: first, the fundamental right of a Legislature is to consider matters in the public interest; secondly, the Chairperson holds the balance between the legitimate needs of the Legislature and the rights and interests of the citizens; thirdly, as a general rule, the Legislature will as far as possible avoid permitting its proceedings to interfere with the course of justice.

## **PECUNIARY INTEREST**

A Member who wishes to speak on any matter in which he/she has personal interest is required to declare that interest. Thus, the principle has been accepted that a Member should put his/her fellow Members and the public in possession of the full facts about any pecuniary interest which may be relevant to his/her speeches or actions in Parliament.

An interest should be declared whenever a specific and relevant financial connection exists which might reasonably be thought to affect the expression of the Member's views on the matter under debate or other activity. The interest must be a direct pecuniary interest and separately belonging to persons, that is, not being jointly owned with the rest of the community, or on a matter of state policy.

## **MINISTERIAL STATEMENTS**

Ministers may make statements concerning Government policy or other matters for which they bear a responsibility. For convenience and in accordance with the routine of business, statements are made before the House embarks on the business of the day. No debate is allowed on the statements and discussion thereon may not go beyond a few questions for points of clarification.

## **PERSONAL STATEMENTS**

With the indulgence of the House, through the permission of the Speaker, a Member may make a personal explanation with regard to a matter of a personal nature, although there shall be no question before the House and such matters may not be debated and he/she must confine him/herself strictly to the matter at hand. It should be made between one item of business and the calling of the next. The most usual time is just before the House proceeds to the business of the day. Thus, the requirement is that he/she should obtain the permission of the Chairperson in advance of his/her rising.

## **USE OF THE PRESIDENT'S NAME**

No Member other than a Minister is allowed to use the name of the President as authority for anything that he/she says. This is in order to remove any attempts by the use of the President's name to influence debate in the House, as the President is not supposed to have a private opinion apart from that of his/her responsible advisers.

## **LIMITATION OF DEBATE**

The House may resolve to impose a limit in respect of the debate on any particular Motion by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing both such limitations.

For instance, the National Assembly Standing Orders provide that a Member is entitled to debate for not more than eight minutes on any question that is before the House. However, during the debate on a Motion of Thanks to the President's Address, the mover of the Motion shall not debate for more than ten minutes when moving the motion and five (5) minutes when replying or winding up debate on a Motion.

## **LEAVE OF THE HOUSE**

The House or Committee may grant permission for certain things to be done which would otherwise be contrary to the Standing Orders or practice of the House. Permission has to be sought to allow for such matters as a ministerial or personal statement.

The limitations on what type of matters require leave of the House have been defined and may include leave to defer or withdraw a Question, Motion, Bill or leave to consider more than one stage of a Bill at the same Sitting. However, leave of the House should not be sought to do anything which radically departs from the Standing Orders or practice of the House.

## **SUSPENSION OF STANDING ORDERS**

It is not unusual in the functioning of the House for it to be found necessary to suspend Standing Orders or a particular Standing Order to permit certain action to be taken. However, those Standing Orders which wholly or in part are provisions of the Constitution cannot be suspended. Standing Orders may only be suspended by a Motion in accordance with relevant provisions of the Standing Orders.

## **QUORUM**

The question of the quorum of the House is interlocked with the system of the sittings. Members are busy people with many demands on their time. Besides their duties in the Chamber itself, Members have meetings of Parliamentary Committees to attend, research to undertake, speeches to prepare and innumerable matters to deal with on behalf of their constituents. The quorum of the House is one third (1/3) of all Members besides the person presiding. If, at any time after the business of the House has commenced, the attention of the Speaker is drawn to the absence of a quorum, the Chairperson proceeds to count the House. If he/she is satisfied that the requisite number of Members is not present, he/she causes the bells to be rung and if there is no quorum after a lapse of two (2) minutes or such further time as he/she may deem reasonable, the House is adjourned until the next sitting day without question put. If the House is in Committee, the Chairperson of the Committee of the Whole House leaves the Chair and reports the fact to the Speaker who thereupon adjourns the Assembly.

## **ORDER IN DEBATE**

Members usually believe passionately in the opinions they present in the House, but a clash of views strongly held on both sides might render debate impossible, and vitiate the objective of a democratic Assembly. The House, therefore, has decided to grant certain summary powers of discipline to its Speaker. The decision is based on the assumption that it is the duty of every Member to support the Chair which represents the quintessence of the House. Members must listen in silence when the occupant of the Chair rises during a debate and must accept his/her decision as final.

Thus, order in the House is maintained by the Speaker. The Speaker is empowered to order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the House during the remainder of that day's sitting; and to "name" a Member for the grossly disorderly conduct. Conduct is grossly disorderly not only if the Member concerned creates actual disorder, but also if he/she knowingly raises a fraudulent point of order, commits any serious breach of the Standing Orders, persists in making serious allegations without adequate substantiation, or acts in any other way dishonest with the dignity or orderly procedure of the House. After a Member has been named, he/she may, by resolution, be suspended from the services of the House for a stated period.

It is pertinent to restate that moderation and good temper are the characteristics of parliamentary language. Technically, interjections are disorderly. It is customary that a new Member making his initial speech to the House is heard without interjections or interruptions. The new Member, however, should not strain the tradition by being unduly provocative. By long parliamentary usage, the expression "Hear! Hear!" by the Members is permitted as a signal of approbation, but not the clapping of hands.

Visitors in the galleries are permitted but must observe certain traditions. Silence must be maintained and photographs should not be taken. Visitors may not read, write, knit, smoke or in any way interrupt the proceedings of the House or act in any manner discourteous to the House.

During the process of debate in the House, every word spoken is recorded and eventually printed, published and made available to Members and the public. The report of the parliamentary debate, called the "Daily Parliamentary Debates" (Hansard), is essentially a verbatim account of what is spoken by the Members in the House and a record of its decisions. It constitutes the only authentic record of the proceedings of the House.

## **CONCLUSION**

The process of debate discussed in this paper is at the heart of parliamentary proceedings. The rules of debate which have been outlined have been developed and laid down with the aim of building up an atmosphere where all shades of opinion should be freely and fully expressed, but where clear decisions should not be unduly delayed. The Speaker's control of the House lies in the simple fact that all Members co-operate in maintaining the orders, customs and courtesies of the House. The success of the strength

of Parliament must in the long run depend not only on written rules, but also on the attitude of Members to their responsibilities.

---