



NATIONAL ASSEMBLY OF ZAMBIA
PARLIAMENTARY PROCEDURE

5

ABSTRACT SERIES

MOTIONS

PREFACE

This Abstract is part of the Zambian Parliamentary Procedure Abstract Series and describes the procedure regarding Motions in the House. It is based on the National Assembly Standing Orders.

It is hoped that this Abstract will give some basic understanding on the procedural aspects regarding Motions and serve as a quick reference guide. It is worth noting, however, that the information contained herein is not exhaustive.

Roy Ngulube
ACTING CLERK OF THE NATIONAL ASSEMBLY

WHAT IS A MOTION?

A Motion is a proposal made to the House, or a Committee of the whole House, for the purpose of eliciting a decision of the House on a particular matter. A Motion can, therefore, be defined as a "proposal made to the House, or a Committee of the Whole House, that the House, or a Committee, does something, orders something to be done or expresses an opinion with regard to a particular matter".

SCOPE OF A MOTION

A Motion is the form in which debate on any subject must originate, and must be drafted in such a way that, if agreed to or adopted, will express the judgment or will of the House. For example, it is usual for the text of a Motion to begin with the word "That".

Motions are usually expressed in the affirmative even though their purpose and effect are negative. For example, if the House does not agree with the findings of a Commission of inquiry, then the Motion may be drafted as: *"That this House do disagree with the Commission in their report,"* rather than taking a dissenting form of, *"That this House do not agree therewith"*.

The procedure followed by the National Assembly of Zambia on Motions is provided for in the Standing Orders 81 to 93.

TYPES OF MOTIONS

1) Motion by Vice-President or Minister

- i. The Vice-President or a Minister may submit a Motion for debate at any time during a Sitting of the House.
- ii. The Vice-President or a Minister shall submit a notice for a Motion at least twenty-four hours before the Motion placed on the Order Paper.

2) Private Members' Motion

- i. A Backbencher may introduce a Private Members' Motion in the House.
- ii. A Member who wishes to introduce a Motion in the House, shall deliver to the Clerk's office, a type-written notice signed by both the Member (Mover) and a seconder of the Motion.
- iii. The Member shall indicate, in the notice, the date proposed for introducing the Motion in the House.
- iv. The day proposed for introducing a Motion shall not be less than three working days ahead, including the day of delivery.
- v. Where notice is given on Friday, the day proposed for introducing the motion shall not be less than three working days ahead excluding the day of delivery.
- vi. The Speaker, may, by leave of the House, exempt a Motion from the provisions of paragraphs (iv) and (v) of this Standing Order.
- vii. Where a Member is unavailable to introduce his or her Motion in the House,

the Member may authorise, in writing, another Member to move the Motion in the Member's stead.

- viii. Where a Member fails to move his or her Motion at the appropriate time, such Motion shall not again be presented to the House during the same Session except with the leave of the Speaker.
- ix. Where the Motion is resolved in the affirmative, the Clerk shall, within three working days, transmit the resolution to the Vice President or the Minister responsible for the subject matter of the Motion.
- x. The Vice-President or the Minister responsible for the subject matter of the Motion shall, within, thirty days of the resolution being passed by the House submit a report on how government intends to implement the resolution.
- xi. On receipt of the report under paragraph (10), the report shall stand referred to the Committee on Government Assurances.

3) Deferment or withdrawal of Motion

- i. A Member who wishes to withdraw or defer a motion on the Order Paper shall seek leave of the House to defer or withdraw the motion immediately a presiding officer calls upon a Member to move the Motion.
- ii. A Motion that has been deferred may be reintroduced in the same Session of the House at the stage at which it had reached at the time of its deferment.
- iii. A Motion that has been withdrawn may be reintroduced afresh in the same Session of the House.

TERMS AND CONDITIONS FOR MOTIONS

1) Rules of Admissibility of Motions

- a) The Speaker may approve a motion for debate in the House if -
 - i. it complies with these Standing Orders;
 - ii. it does not raise a matter awaiting or under adjudication by a court of law;
 - iii. it is in the form of an order or resolution of the House;
 - iv. the motion is not substantially the same as one already submitted by another member or dealt with by the Assembly in the same Session;
 - v. it bears the name of the proposer and the seconder and is personally signed by them; and
 - vi. it indicates the date proposed for its introduction in the House.
- b) A Motion shall not be admissible if its subject matter was rendered in a Ministerial Statement during the same Session or is contained in a Ministerial Statement already approved by the Speaker for issuance by the Vice-President or a Minister.

2) Member to give notice of Motion

Every motion requires notice except a motion:

- (a) for the adjournment of the House;
- (b) for which notice is dispensed with by leave of the House;
- (c) dependent on an Order of the Day or on another Motion; and
- (d) for the suspension of a Member.

3) Time for submission of Notice

- I. A notice required to be given under these Standing Orders may be given by delivering a fairly written copy, subscribed with the full name and signature of the Vice-President, Minister, or a Member giving it, to the office of the Clerk during the normal office hours.
- II. A notice delivered before 13:00 hours on a working day shall be deemed to have been given on that day.
- III. A notice delivered after 13.00 hours shall be deemed to have been given on the next working day

4) Motion to be seconded

- I. A Motion shall be seconded except a motion moved by a Minister or the Vice - President.
- II. which is not seconded shall lapse.

5) Withdrawal of Notice of Motion

- I. A Member who wishes not to proceed with a notice of Motion may withdraw it but notice of the same motion may be given again either by the same or another Member.
- II. The Clerk shall circulate to Members a notice of withdrawal of the Motion.
- III. Where a Motion is already placed on the Order Paper, a Member may only withdraw the Motion as soon as the Speaker calls upon the Member to proceed with the Motion.

6) Manner of debating Motion

- I. When a Motion has been moved and, if necessary seconded, the Speaker shall propose the question on the Motion in the same terms as the Motion, and debate may then take place upon that question.
- II. At the conclusion of the debate, the Speaker shall put the question on the Motion.

7) Motion for adjournment of the House

The Leader of Government Business in the House may move a Motion for the adjournment of the House, where a situation arises, which makes it impossible or unreasonable for the House to proceed with the Business of the House.

8) Motion of Censure on Minister

- I. The Assembly may, in accordance with Article 87 of the Constitution, censure a Minister or Provincial Minister where the Members of Parliament are dissatisfied with the conduct or performance of the Minister or Provincial Minister.
- II. The proceedings to censure a Minister shall be commenced by a notice of Motion, submitted to the Speaker, signed by at least one third of the members in support of the Motion and stating the grounds.

- III. The Speaker shall, on receipt of the notice of Motion submitted in accordance with Article 87(2) of the Constitution, cause a copy of the notice to be given to the Minister or Provincial Minister.
- IV. The Motion to censure a Minister or Provincial Minister shall not be debated until after the expiry of seven days from the date the notice of Motion is submitted to the Speaker.
- V. The Assembly may pass a vote of censure on a Minister or Provincial Minister by resolution supported by two-thirds of the votes of the Members of Parliament.

9) Amendment of Motion

A Motion, having been proposed, may be amended:

- (a) by leaving out certain words;
- (b) by leaving out certain words in order to insert other words; or
- (c) by inserting other words.

10) Amendment on the Floor of the Assembly

A Member who wishes to propose an amendment to a Motion of which notice has not been given shall, before moving it, put the amendment in writing, sign it and hand it to the Clerk not less than thirty minutes before the amendment is moved.