

## **CHAPTER IX LEGISLATION**

### **69. Stages through which Bills Pass**

- 1) Any legislation begins in the form of a bill presented by the Leader of Government Business or by any Minister or Member of the Assembly.
- 2) No bill shall be considered by the Assembly except after it has been considered by the relevant Committee which shall present it to the Assembly with a report including its comments and recommendations provided that if a bill is being introduced by any member, the Assembly shall not consider it unless the said committee decides that the bill is suitable and in conformity with public interest, the constitution and records of the Assembly.
- 3) Subject to the provisions of Sub-regulation (2) hereof, the Speaker shall on receipt of the said report, invite comments and amendments on the bill.
- 4) The Speaker shall then place the bill before the Assembly for the second reading provided that at this stage no further amendments shall be accepted and provided further that the Assembly shall vote upon the bill clause by clause, taking into account relevant proposed amendments.
- 5) Upon completion of the second reading by the Assembly the bill shall be referred to the relevant committee for final drafting before presentation to the assembly for third reading. The Assembly shall consider the whole bill, in its amended form, if that is the case, and the bill may at the third stage be passed or rejected as a whole.
- 6) The bill shall then be sent to the President of the Government of Southern Sudan for his or her assent and signing it into Law. When he has assented to the bill it shall become an act and shall be sent to the Ministry of legal Affairs and Constitutional Development for gazetting.
- 7) At any time before the certification and submission of the bill to the President of the Government of Southern Sudan, the Speaker may correct any formal errors or oversight therein.
- 8) All Acts passed by the Southern Sudan Legislative Assembly shall be sent to the Southern Sudan State Legislative Assemblies for information.

## **70. Presentation of Bills**

The Government of Southern Sudan may present a bill to the Assembly at the stage of business specified in regulation 37(n). When a bill is so presented, the, the Speaker shall read the title of the bill, and the bill shall then be deemed to have passed the stage of the First reading.

## **71. Private Members Bills**

- 1) Any member presenting a bill to the Assembly shall deliver three copies of his proposed bill to the Clerk of the Assembly.
- 2) Any bill that has passed the first stage of reading shall be referred to the relevant specialized committee to study and present a report thereon within one week from the date of reference of the bill.
- 3) No finance bill or amendment thereto which affects the revenue of the Government of Southern Sudan or its expenditure shall be presented to the Assembly unless adequate notice thereof had been given to the Government of Southern Sudan and the previous consent of the Minister of finance has been obtained.
- 4) On a bill being presented by a member, he or she shall give a short summary of the objects and leading features of the bill; and may put forward any arguments in support thereof.
- 5) After having passed the first reading, the bill shall be presented for the second reading on a date to be fixed by the Speaker in consultation with the member concerned; provided that if the owner of the bill is a private member the period fixed between the first and second reading shall not be less than seven days.
- 6) The clerk of the Assembly shall deliver a copy of private member bill to the relevant committee and the Clerk shall send another copy to the ministry concerned with the subject and functions to which the bill relates for a report thereon. Such report shall be referred to the relevant committee, which shall present the final report to the Assembly together with comments and recommendations under regulation **69 (2)**.

## **72. Bills Affecting Private Rights**

- 1) Not later than two days after the first reading of any bill which, in the opinion of the Speaker may either create new duties or liabilities or in any way affects any existing private rights, interests, duties or liabilities of any particular person or class of persons, the Speaker shall cause the purpose

and scope of the bill to be brought to the notice of such person or class of persons, or of his, her or their representative or representatives in such manner as he or she may think most efficacious. Such notification shall inform such persons of the provisions of **Regulation 76** and shall specify a date not less than 21 days after the dispatch of such notification on or before which any application to be heard before a committee on bills shall be submitted. The notification shall specify the manner in which such application shall be submitted.

- 2) Whenever the Speaker shall act under Sub-regulation (1) hereof, he shall inform the Assembly accordingly at its next sitting.
- 3) Every application to be heard in the said committee shall be submitted in writing to the Clerk of the Assembly and shall specify the name, description and address of every person including advocates whom the applicants desire their appearance to give evidence before the committee, and the grounds on which the claim of each to be heard is based. Any application received by the Clerk of the Assembly after the date specified in the notification shall, unless the committee otherwise orders, be rejected.

### **73. Second Reading of Bills**

- 1) On the order for the second reading of a bill being read the member concerned may move “that the bill be now presented for the Second Reading.” When the question has been proposed from the chair, a debate may arise covering the general merits and principles of the bill.
- 2) No member shall propose an amendment to the said motion with the intention of bearing the Assembly to reject the bill, but he may propose an amendment to the bill pointing therein the reasons, which in his or her opinion justify the rejection thereof.
- 3) If the motion for the Second Reading is negative or if any amendment under sub-regulation (2) hereof is agreed to, no further proceedings on the bill shall take place in the same session.

### **74. Reference of Bills**

- 1) If any member is of the opinion that a bill contains provisions affecting local customs or way of life in a particular area and not others or that its effects in a particular area would differ from those in other parts of Southern Sudan, he or she may claim that the bill be referred to a select committee to be constituted in accordance with the provisions of

Regulation **13(1)**. If this claim is supported by not less than five members, or if the Speaker is satisfied that there are reasonable grounds for supposing that the bill may have such effects, the bill shall be referred to such committee.

- 2) When a bill has been referred to any committee, no further proceedings shall be taken upon it until the committee has reported thereon.

## **75. Committee Stage of Bills**

- 1) A committee on bills shall discuss the general provisions of a bill and any proposed amendments thereto and may adjourn its sittings; provided that a select Committee acting in accordance with **Regulation 13(1)** may, after hearing any interested person in opposition to the bill and before proceeding to discuss its general provisions, discuss the merits and general principles of the bill.
- 2) Save as provided for in sub-regulation (3) hereof, any amendments may be made to the provisions of the bill or the schedule thereto provided that the same is relevant to the subject matter of the bill provided also that an amendment not conforming to the part of a previous bill shall not be made.
- 3) No amendment imposing obligations on the public revenue or increasing the burden thereon shall be made save with the written consent of the Minister of Finance.
- 4) The Chairperson of a committee on a bill at any time during the discussion on a proposed amendment to the provisions of a bill or a schedule thereto, may withdraw such amendments from the committee if it appears to him or her from the discussions that it involves a contravention to the provisions of this regulation.
- 5) The Chairperson of a committee on a bill may, with the intention of helping the committee in considering a bill, seek the help of the minister concerned. Persons representing government ministries may address the said committee and answer questions if requested to do so by the chair.

## **76. Procedure on Bills**

The following procedure shall be followed when any bill, other than an Appropriation Bill, is considered in the Assembly:

- 1) The Speaker shall read each clause, or the number and marginal note thereof, in succession; provided that the preamble and any clause setting out the title of the Bill or the definition of any words or expressions used in the bill shall be postponed until the remaining clauses and schedules have been considered.

- 2) When the clauses have been so read, the Speaker may permit an explanation of the clause by the member concerned or by any minister. Any person making such explanation may be questioned by any member for further elucidation of the clause.
- 3) If such explanation is made and any question thereon is answered, or if there is no such elucidation, the Speaker shall, unless the clause is ordered to be postponed, call upon the mover of the first amendment, which stands in the agenda to move his or her amendment.
- 4) The amendments of the clauses of any bill shall be arranged in the agenda in accordance with sequence of clauses affected by such amendments.
- 5) When all amendments to any clauses have been disposed of, or if no amendments are presented, the Speaker shall propose the question, "that the clause (or the clauses as amended) stands parts of the bill."
- 6) At any time after the clause, or the number and marginal note of a clause has been read and before the question that the clause stands part of the bill has been fully put, the clause may be postponed on a motion made to that effect by any member, whether it has been amended or not; provided that if any amendment is under consideration the question on a motion to postpone the clause shall not be proposed until the amendment has been withdrawn or decided upon.
- 7) If a clause has been rejected, a new clause in its place may be presented forthwith, provided that it appears on the agenda, and shall be dealt with as provided for in sub-regulation (9) hereof.
- 8) Unless otherwise ordered by the assembly, postponed clauses shall be considered after the remaining clauses of the bill and before new clauses are presented.
- 9) No new clause shall be presented before the schedules to the bill are considered. No new clause shall be considered unless it appears on the agenda. On being read by the Speaker, the clause shall be deemed to have passed the first reading. It shall then be proposed, "that the clause be presented for the second reading." If this is agreed to, amendments to the new clauses may be moved, provided that they appear on the agenda. Finally the Speaker shall propose the question "that the clause (or the clause as amended) be added to, or inserted in the bill."
- 10) Schedules shall be disposed of in the same way as clauses save that only the title (and number if any) or any schedule, shall be read, and new schedules may be presented after schedules of the bill have been disposed of, and shall be treated in the same manner as new clauses.

11. When every clause and schedule and proposed new clauses or schedules have been dealt with, the preamble and any clause setting out the title of the bill and the definition of words and expressions shall be considered and amended if necessary.
- 12 At the conclusion of the proceedings the Speaker shall put the question “that the Bill (or the Bill as amended) be proposed for the third reading” which question shall be decided without amendment or debate.

#### **77. Hearing of Interested Parties in a Committee on Bills**

- 1) All persons having rights, interests, duties or liabilities affected by a bill in respect of which the Speaker has acted under **Regulation 13** may be heard before the Select Committee to which the bill is referred either in person or through advocate, and evidence may be given by them or on their behalf.
- 2) The select Committee to which the Bill has been referred shall not meet before the day following that specified as the last on which applications to be heard may be submitted, and shall so arrange its sittings as to give a reasonable opportunity to those who wish to appear before it.
- 3) If the Select Committee is on the opinion that the grounds of the claim presented by any person are inadequate, it may refuse to hear him or her. It may also refuse to hear any witness whose evidence appears to be irrelevant or merely repetitive.
- 4) Whenever any person has been heard before a Select Committee in accordance with this regulation, any Minister having responsibility for the subjects or functions to which the bill relates, and any law officer, shall be entitled, in person or by representative, to be present, to address such Committee and to cross-examine any such person.
- 5) If the Committee, after hearing the person or persons affected by the bill, is of the opinion that the Bill should not be proceeded with, it shall report accordingly to the Assembly setting out its reasons in a special report.
- 6) Unless the Committee has acted under sub-regulation (5) hereof, it shall proceed to consider the clauses of the bill and may strike out clauses, add new clauses and make any other amendments which it may deem necessary, provided that no new clause shall be added or amendment made thereto which shall have the effect of creating or increasing a charge upon public funds or of imposing or increasing any tax save with the express consent of the Minister of Finance

- 7) Subject to the provisions of sub-regulation (3) hereof, persons who have already been heard in opposition to the bill in general may, if they so desire, be heard again on the details of the bill.

#### **78. Reports of Committee on Bills**

- 1) When any Committee has completed the consideration of a bill, the Chairperson shall report the bill, with or without amendments, to the Assembly at the stage of business specified in Regulation 37 (f). Any such Committee may, if it thinks fit, describe the purpose of such amendment in a special report to the Assembly in which case the special report and the bill as amended shall be printed and distributed to the members.
- 2) A bill reported from any Specialized Committee may be considered on report forthwith.
- 3) When the Assembly has passed a bill submitted by a Committee on a bill, the member concerned shall appoint a day for the Third Reading thereof; provided that if a Select Committee has reported under Regulation 13 (7) that a bill should not be proceeded with, unless the bill be withdrawn, the order for consideration of the special report of the Select Committee shall be set down for a date not less than three days after the presentation of the report.
- 4) When in accordance with Regulation 76 (5) the Speaker has signified that the Third Reading of the bill be moved, the member concerned may move that the bill now be presented for the Third Reading. When the question is proposed by the Speaker, debate shall be confined to the contents of the bill in its final form including amendments made during previous stages.

#### **79. Report stage of Bills submitted by any Committee**

- 1) When the Speaker has read the Orders of the Day for the consideration of a bill presented by any committee, new clauses shall first be presented and then any amendments may be moved to the clauses of the bill.
- 2) At the conclusion of the proceedings upon the last amendment to the clauses of the bill, new schedules may be proposed, any amendment which is in order may then be moved to the existing schedule, subject to the provisions of sub-regulation (1) hereof.
- 3) In the discussion of a new clauses or a new schedule, a member may speak more than once on the same subject in one sitting provided that this is not done at the expense of other members wishing to address the Assembly on the same subject.

- 4) When the Order of the Day for consideration of a bill on report is read, if no amendment, new clause or new schedule is set down in the agenda, or at the conclusion of the proceedings prescribed in sub-regulation (3) hereof, the Speaker shall call upon the member concerned to move the Third Reading.
- 5) Except with the consent of the Speaker, no new clause, new schedule, or amendment shall be moved upon the consideration of a bill on report unless at least two days' notice thereof has been given.
- 6) On the Order of the Day being read for the consideration of the special report of a Select Committee recommending that a bill shall not be proceeded with, the member concerned shall move "that the bill be referred again to the relevant committee to which an amendment may be moved by any other member to omit all the words after the word "that" and to substitute the words "this Assembly agrees with the Special Report of the Select Committee." If this amendment be approved. No further proceedings on the bill shall take place in the same session.

#### **80. Third Reading of Bills**

- 1) If the Speaker has signified that the Third Reading of the bill be moved, the member concerned may move that the bill now be presented for the Third Reading. When the question is proposed by the Speaker, debate shall be confined to the contents of the bill in its final form including amendments made during previous stages.
- 2) Amendments for the correction of error or over-sight in the text of the bill may be moved with the permission of the Speaker when the order for the Third Reading is being read, but the Speaker shall disallow any amendment of a substantive nature.
- 3) An amendment to the question setting out the reasons why the bill should be rejected may be moved by any member, provided that the said member gives reasons thereof.
- 4) If the question for Third Reading is rejected or if an amendment under sub-regulation (3) hereof is agreed to, no further proceedings on the bill shall take place in the same session.

#### **81. Subsequent Proceedings on Bills**

- 1) When a bill has been passed by the Assembly the Clerk of the Assembly shall prepare an engrossed copy of the bill which the Speaker shall endorse and submit to the President of the Government of Southern Sudan for assent.
- 2) When information has been received that the President of the Government of Southern Sudan has assented to a bill passed by the Assembly, the Speaker shall

inform the Assembly accordingly at its next sitting. The Clerk of Assembly shall send the said bill to the Ministry of Legal Affairs and Constitutional Development for gaze ting.

## **82. Vetoed or Objected Bills**

- 1) If the President of the Government of Southern Sudan objects to, or vetoes any bill, the Assembly may after receipt of such bill introduce the amendments necessary to render the bill compatible with the provisions of the law and the Constitution.
- 2) If the President of Government of Southern Sudan objects to a bill passed by the Assembly, the Assembly may examine the reasons for the objection and take the necessary decision; provided that if the Assembly again passes the bill with a two-third majority, the bill shall become law.
- 3) Where the bill objected to carries any amendments, such amendments shall after brief explanation of their necessity be put without debate; provided that any member may ask an elucidatory question on any matter raised in the explanation. If all the amendments are passed, the bill shall become law; provided that where some amendments are not passed the bill shall become law if passed again by the majority required under sub-regulation (2) hereof.

## **83. Withdrawal of Bills**

If the member concerned desires to withdraw the bill at anytime before it is passed he or she may, when the Order of the Day for presentation of the bill for any stage is read, inform the Assembly that the bill is withdrawn. The order of the Day in respect of the bill shall thereby be discharged.

## **84. Bills to be passed within a Specified Period**

- 1) Notwithstanding the provisions of these Regulations in respect of bills, the Leader of the Government Business or any Minister may present a motion to the Assembly that the Speaker presents to the Assembly a specified bill at a given time and such motion shall be put without debate.
- 2) The Assembly may before Second Reading of a bill under sub-regulation (1) hereof refer such bill to a Select Committee instead of a Standing Specialized Committee according to regulation **69(3)** and the Assembly may appoint a time for the committee to present its report to the Assembly.

- 3) The report of the committee shall be printed and distributed together with copies of the bill to the members before presentation to the Assembly.
- 4) The Speaker shall in consultation with the Leader of Government Business or the Minister concerned specify the period within which the bill shall be debated.
- 5) At the end of the period specified for the debate; or after the conclusion of the discussion, the Bill, amended or not amended as the case may be, shall be prepared for the Third Reading.
- 6) Subject to the period specified for the passing of the Bill, the Bill shall be presented for the Third Reading under **Regulation 69**.

## **85. Provisional Orders**

- 1) Every Provisional Order issued by the President of the Government of Southern Sudan, when the Assembly is not in session, shall be presented to the Assembly within 15 days from the first sitting after the recess at the stage of business specified in regulation 37 (n), copies of the Order shall thereupon be distributed to the members.
- 2) When a Provisional Order is so presented, the minister concerned shall name the day, which shall not be less than seven and not more than fourteen days after such presentation, for the consideration of the Provisional Order.
- 3) The relevant Committee shall consider every such Provisional Order.
- 4) On the Order of the Day for the consideration of the Provisional Order being read, the Speaker of the Assembly shall read the report of the said committee thereon. Then the Minister concerned shall move “that the Provisional Order be confirmed by the Assembly” or “that the Provisional Order shall not be confirmed by the Assembly”. Then the question shall be submitted for debate and put to vote without applying the legislative procedure set down in this Chapter.
- 5) A Provisional Order shall be confirmed or rejected without any amendment.

## **86. Procedure on Appropriation Bills**

- 1) The President of the Government of Southern Sudan shall cause to be presented to the Southern Sudan Legislative Assembly before the beginning of the Financial year, the Bill on the General Budget of Southern Sudan, including a general evaluation of the economic and financial performance, detailed estimates of proposed revenue and

expenditure for the fourth coming year compared to those of the previous financial year, a statement of the general budget, any reserved funds, transfers thereto or allocations there from, explanations of any special budgets or financial estimates, policies or measure to be taken by the Government of Southern Sudan in the financial and economic affairs within the frame work of the general budget.

- 2) The President of the Government of Southern Sudan shall cause to be submitted to the Assembly proposals of total expenditure entered into the budget as an appropriation bill and proposals for taxes, fees, and other levies as well as borrowing, investment or saving bonds as financial bills.
- 3) The submission of the budget bill and its attachment shall be considered as first reading. The Speaker shall then refer to committee of development, economy and finance and any other relevant committees; provided that it shall be entered in the agenda for stage of second reading after at least 3 working days.
- 4) The stage of second reading shall begin with a general report from the committee on development, economy and finance to be followed by a general deliberation on economic and financial situation and the general trend of the budget bill without dealing with the details of the estimates.
- 5) For the general deliberation, sufficient number of sittings shall be allotted. Then voting shall be carried out on the bill for passing it in principle. If the bill is passed it shall be scheduled for third reading on a date to be fixed by the Speaker. In that, all provisions mentioned in the regulations concerning law bill shall be followed.
- 6) The third reading and the report stage of the bill shall be as follows:
  - a) The committee concerned shall submit a comprehensive report to the assembly comprising all the steps taken by it as regards the bill, and its detailed comments on the text of the bill and the schedules attached thereto, in addition to any observations received from other committees or the members or other bodies heard by it as well as any amendments to the legal provisions or the estimation of expenditure.
  - b) The deliberation shall begin with the schedule of the estimates of expenditure when the motions for amendments to items are presented for deliberation and decision. The speaker may arrange the order of the items and fix a time for any of them whatever methodology he/she considers appropriate. If the Assembly does not finish within the time fixed, the Speaker shall proceed immediately to take the vote on any motion or amendments to the items of legal expenditure provisions, and then enter the bill for final reading.

- 7) At the stage of final reading, the schedule of expenditure shall be presented for adoption item by item and chapter by chapter and thereafter the bills shall be passed section by section.