



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

FACT SHEET

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THE ROLE OF PRESIDING OFFICERS

Introduction

Section 52 of the Constitution makes provision for the election of the Speaker and Deputy Speaker from among the members of the National Assembly. The section furthermore provides that in terms of its rules and orders, the Assembly may elect from among its members other presiding officers to assist the Speaker and Deputy Speaker.

The Speaker, as the head and representative (with the Chairperson of the Council) of the legislative arm of the State, has various responsibilities that extend across constitutional, statutory, procedural and administrative powers and functions. Although a member of a political party, the Speaker is required to perform the responsibilities of that office fairly and impartially in the interests of the Assembly and Parliament.

The Speaker, Deputy Speaker and House Chairpersons preside over proceedings of the Assembly. They must maintain and preserve the order of and the proper decorum in the House, and uphold the dignity and good name of the House; as well as act fairly and impartially and apply the rules with due regard to ensuring the participation of members of all parties in a manner consistent with democracy.

Speaker's role as Executive Authority

The Speaker, acting jointly with the Chairperson of the National Council of Provinces (NCOP), constitute

the Executive Authority of Parliament. The Executive Authority is accountable to Parliament for the sound financial management of Parliament and must act in accordance with the Code of Ethics in Schedule 2 of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act No 10 of 2009).

Speaker as representative of the House

The Speaker is the representative of the House in its relations with the other arms of State - Executive and Judiciary - and with other outside bodies and persons. In this role, the Speaker is careful to maintain the authority of the House, and to protect its rights and privileges. Important official communication from and to the House is signed by and addressed to the Speaker. The Speaker receives delegations from other Parliaments and special guests on behalf of the House. On formal occasions, the Speaker represents the House and plays a key ceremonial role. In the absence of the Speaker this role could be delegated to the Deputy Speaker.





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Presiding over House proceedings

The Speaker, Deputy Speaker and House Chairpersons chair plenary sittings of the Assembly and Joint Sittings. This entails maintaining order, interpreting and ensuring compliance with the rules and practices of the House and, in general, ensuring the smooth conduct of proceedings.

The presiding duties of the Speaker entail the following:

Application and interpretation of rules and practices: In presiding over meetings of the Assembly or joint sittings, the Speaker ensures that meetings are conducted in an orderly fashion and according to established procedures and practices. The Speaker interprets and applies the rules, responds to members' points of order and gives rulings where necessary.

Rulings: In giving a ruling on procedure – either at his or her own initiative or in response to a point of order – the Speaker is guided by the rules and conventions, as well as precedent. The Speaker has discretion to hear argument on a point of procedure, and to give a ruling when he or she is ready. A considered ruling may be given at a later stage, after consulting Hansard and considering the matter fully. The Speaker may give a private ruling in writing, for example, in response to a letter from a member. If aggrieved by a ruling, a member may request that the subject matter of a ruling – not the ruling itself – be placed on

the agenda of the Assembly Rules Committee for consideration of relevant practices. In terms of Assembly Rule 6, the Speaker may give a ruling or frame a rule to cover a situation for which the rules do not provide. Such a rule remains in force until the House, based on a recommendation by the Rules Committee, has decided thereon.

Maintaining order: A vital function of the Speaker is to maintain order in the House. It is in the nature of Parliament that debates can be robust. The rules provide the Speaker with powers of varying severity to enable him or her to deal with various situations appropriately. It is customary, however, for such powers to be used sparingly where possible. Usually, where a member has expressed himself or herself in a way deemed unacceptable by the Speaker, the member will be instructed to withdraw the expression or gesture, and on compliance, the matter is regarded as settled and should not be referred to again. A more serious offence, such as defying the authority of the Chair, may lead to a member being directed to withdraw from the Chamber for the rest of the day, and grave offences may lead to longer periods of suspension. All members, including those who serve in the Executive, are equally subject to the authority of the Chair.

Impartiality: Although affiliated to a political party, the Speaker is required to act impartially and to protect the rights of all parties. Likewise, the Speaker is entitled to support from all members, whatever their political affiliation. The Speaker



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may take part in debates from the floor but by convention does so sparingly. An exception is when reporting on matters relating to the Legislature and its administration. He or she generally avoids becoming involved in political controversy in his or her capacity as Speaker.

Voting: The Speaker, while presiding, generally has no deliberative vote, but must cast a deciding vote when there is an equal number of votes on both sides of the question. However, the Speaker may cast a deliberative vote when a question must be decided with a supporting vote of at least two-thirds of the members.

Deputy Speaker

In addition to the duties assigned to the Deputy Speaker in terms of any legislation and the rules and orders of the Assembly, insofar as they pertain to the office of the Speaker, the Speaker can and does delegate other responsibilities to the Deputy Speaker. Over the years, these delegated responsibilities have included: Members' Training and Capacity Building; PARMED; Sectoral Parliaments; Implementation of Parliament's Language Policy; E-Parliament Strategy, including projects related to the Fourth Industrial Revolution.

In addition to the above, any other responsibility and functions may subsequently be delegated as and when such a need arises. Furthermore,

whenever the Speaker is absent, or unable to perform the functions of Speaker, or there is a vacancy in the office of Speaker, the Deputy Speaker acts as Speaker. As Acting Speaker, the Deputy Speaker has the same responsibilities, powers and functions as the Speaker. The Deputy Speaker is ex officio member of various internal committees/forums. In addition, the Deputy Speaker chairs the Disciplinary Committee and the Subcommittee on Physical Removal of Member from Chamber.

House Chairpersons

Assembly Rule 22 provides for the election of three House Chairpersons for the duration of the House. On appointment, the Speaker allocates specific portfolios to the House Chairpersons, namely: Committees, International Relations and Internal Arrangements. The rule further provides that the Speaker allocates functions and responsibilities to each House Chairperson and announces such allocation in the Announcements, Tablings and Committee Reports (ATC).

In addition to their specific portfolios, House Chairpersons preside during sittings of the House and mini-plenaries, and perform other duties when requested by the Speaker. In the absence of both the Speaker and Deputy Speaker, a House Chairperson may be appointed Acting Speaker of the Assembly.