

**REPORT ON REVIEW OF STANDING ORDER Nos. 41, 52, 97(3), 94 AND
THE DRESS CODE FOR HOUSE SITTINGS**



**PRESENTED BY THE SESSIONAL SELECT COMMITTEE
ON THE STANDING ORDERS**

**FOURTH MEETING OF THE FIRST SESSION OF THE ELEVENTH PARLIAMENT
OF THE KINGDOM OF LESOTHO**

DATE

1. Introduction

Standing Order No. 97 (6) establishes the Standing Orders Committee as a Sessional Select Committee of the National Assembly. The Committee is mandated to review the Standing Orders of the House and propose amendments where necessary for consideration and adoption by the House. In terms of this Standing Order, the Committee may initiate the review or be instructed by the House to do so.

The Committee is chaired by the Speaker, who for the Eleventh Parliament, has designated Hon. Deputy Speaker to chair the Committee. The Committee comprises of twenty one (21) Members of Parliament (MPs) (list attached as annex 1) and the Chairperson.

The first meeting of the Committee was convened on Tuesday, 9th June, 2023, subsequent to referrals for review of certain Standing Orders and practices of the House, and consequently other meetings followed which culminated in the production of this report.

The Committee therefore wishes to present this Report before the House for consideration and adoption in terms of the Standing Orders.

2. Issues for Consideration

The Report contains Committee's deliberations and resolutions on the following issues which were referred to it for consideration:

- Unpacking of the application of Standing Order No. 29
- Review of Standing Order No. 41
- Amendment of Standing Order No. 52
- Amendment of Standing Order No. 97(3)
- Review of Portfolio Committee clusters
- Dress code for the sittings of the House

3. Unpacking of the application of Standing Order No. 29

3.1 The Committee was assigned to unpack SO No. 29 and establish whether a review is necessary as it is not explicit on its intended purpose; if it is intended for the House to raise a matter for awareness/attention or whether the House has to ultimately take a decision on a matter raised, which has resulted in varying application by different Presiding Officers.

3.2 In unpacking SO No. 29, the Committee observed the following:

- That submitting a matter before commencement of the sitting leaves the Speaker with little or no time to apply his mind and seek the necessary advice to make an informed decision;
- That a stand over of the Motion until 3.30 p.m has not, despite potentially serving the purpose of allowing members to appreciate the matter being proposed, taken into account situations when the House does not have long business; and to wait until 3.30 p.m may be inconveniencing for both Presiding Officers and the Members; and
- There is no provision regulating the length of time a debate on an urgent matter can take; thereby risking blocking other business of the day.

3.3 Having learnt that in the history of the Westminster, this provision was only applied to raise emergency matters for awareness, and that with time some Parliaments amended it to provide also for matters of public importance which are voted upon, the Committee resolved that matters raised under this Standing Order be raised for awareness only, and not be voted upon.

3.4 The Committee has resolved to make the following amendment(s):

3.4.1 In Standing Order No. 29(1), after the paragraph, add the following:

- a) For a matter to be deemed definite, it must not only be specific, but its facts must be substantiated. The matter, event or an issue must be certain, not hypothetical or presumptive;**
- b) A matter is considered urgent if it is a crisis or emergency situation that demands the prompt attention of the House (arose suddenly, is of pressing nature and has potentially immediate serious consequences);**
- c) The matter is of public importance if it affects a large population and its urgency and gravity justifies it; and**
- d) All three criteria must be met for a matter to be considered under this Standing Order.**

- 3.4.2 In Standing Order No. 29(2), line 2, delete the words “before the commencement of the sitting” and substitute them with “at least two hours before commencement of the sitting day he or she wishes to raise a matter”;
- 3.4.3 In Standing Order No. 29 (3), after (b) delete the words “the motion shall stand over until 3.30 p.m on the same day, and at that hour” and substitute them with the words “the House shall stand suspended for thirty (30) minutes and thereafter”.
- 3.4.4 In Standing Order No. 29(4), after the paragraph, add the following :
- a) A member raising the matter shall have a time limit of 20 minutes;
 - b) The matter shall be discussed for a period not exceeding one hour;

4. Review of Standing Order No. 41: Adjournment of Debate

The Committee noted that SO 41 has been applied on a number of Motions which to date remain suspended, and that sometimes the Standing Order can be used as a ploy to frustrate other members’ business, and therefore resolved to amend Standing Order No. 41 as follows:

In Standing Order No. 41, after (5), add new (6) and (7) as follows:

(6) A Member who moved the Motion for adjournment of debate shall within 14 days facilitate resumption of adjourned debate.

(7) At the expiry of 14 days, debate adjourned under the provisions of this Standing Order shall be resumed without notice.”

5. Amendment of Standing Order No. 52

5.1 The Committee was apprised of the challenges associated with drafting a Private Member’s Bill and piloting it in the Senate subsequent to its passing by the National Assembly. The Committee learnt that in New Zealand there is a good provision that allows Government to adopt a Private Member’s Bill which may be adopted with modifications.

5.2 Having studied how the provision works and what it intends to achieve, the Committee resolved to amend Standing Order No. 52 as follows:

In Standing Order No 52 after (5), add a new provisions as follows:

(a) The Government may, with the consent of the Member in charge of the Bill, adopt a Private Member's Bill.

(b) As soon as leave has been granted for a Member to bring in a Bill, a Minister shall notify the Speaker in writing that the Government intends to adopt the Bill.

(c) The Member in charge of the Bill and the Minister adopting the Bill for the Government, shall sign an Agreement Form prescribed for this purpose (Schedule 1).

(d) A resolution of the House allowing the Government to adopt the Bill shall be made.

(d) A Bill adopted by the Government shall thereafter be treated as a Government Bill.

(e) The Minister adopting the Bill for the Government shall cause the Bill to be presented for First Reading within three months of adoption.

In Standing Order No 52 (6), at the beginning add a new provision as follows:

If the Bill set for adoption by Government is not presented within the time stipulated in 5(e), the Bill shall once again be scheduled for the originator to present it, within an agreed time.

6. Review of Portfolio Committee clustering

Hon. Members noted that Standing Order No. 94 (Establishment of Portfolio Committees) clusters Ministries into 5 Portfolio Committees and that the clustering was based on the ministerial portfolios of the time when the Standing Orders were reviewed. The way Ministries have been clustered presents challenges every time Government Ministries are re-arranged. As a result, the Committee resolved to review the Standing Orders and amend it by renaming the clusters in broad terms and remove the ministerial portfolios as follows to accommodate all scenarios:

In Standing Order No. 94, delete the whole Standing Order and substitute it with the following:

94. (1) There shall be established under this Standing Order the following portfolio committees which shall continue for the term of the National Assembly:

- (a) The portfolio committee on the Human and Social Development Cluster;**
- (b) The portfolio committee on the Economic Development and Food Security Cluster;**
- (c) The Portfolio Committee on the Internal Affairs, Foreign Relations and Information Cluster;**
- (d) The portfolio committee on the Natural Resources and Infrastructure Development Cluster; and**
- (e) The portfolio committee on the Governance, Law and Public Safety Cluster.**

(2)The Standing Orders Committee shall, at the beginning of a new term of Parliament or whenever there is a rearrangement of ministerial portfolios, allocate ministries to the Clusters in line with existing configuration of Government ministries.

(3) The allocations made in terms of this Standing Order shall be adopted by the House.

(4) The Standing Orders Committee may, from time to time, review the Clustering or establish new Portfolio Committees as may be necessary.

The Committee recommends that for the remaining years of the term of the Eleventh Parliament, the above clustering be adopted and allocation of portfolios to the clusters be as per attached Schedule 2.

7. Amendment to Standing Order No. 97(3)

The Committee noted that Standing Order No. 97(3) establishes a Committee that deals with HIV and AIDS issues as a measure aimed to manage the pandemic. It also noted that TB is also prevalent in Lesotho and that there is a direct link between HIV and TB, hence there is need for Parliament to be pronounced in TB issues as well. Therefore, the Committee resolved to amend Standing Order No. 97(3) as follows:

In Standing Order No. 97(3), heading, before the word “HIV” insert “TB” and in line 4, before the word “HIV” insert the word “TB”.

8. Amendment to Standing Order No. 97(7)

The Committee noted that Standing Order No. 97(7) establishes a Committee that deals with Sustainable Development Goals (SDGs) in line with the United Nations’ roadmap for ending poverty, protecting the planet and tackling inequalities. It also noted that Agenda 2063 aligns specifically with the African Union as Africa’s blueprint and master plan for transforming Africa, hence there is need for Parliament to include it as a dedicated agenda. Therefore, the Committee resolved to amend Standing Order No. 97(7) as follows:

In Standing Order No. 97(7), heading, before the word “Sustainable” insert “African Agenda 2063”.

9. New Standing Order on Dress code for sittings of the House

1.1 The Committee noted that the House dress code has only been defined in the Ruling of one of the former Speakers where it is not elaborate enough and this causes serious problems in the House, especially because the Ruling has also not prescribed the ladies dress code.

1.2 It was also observed that many Parliaments are beginning to challenge the traditional Westminster dress code for the House sittings for various reasons.

1.3 The Committee found it prudent to develop a new Standing Order that will address these issues while at the same time accommodating Basotho traditions as well as generational changing trends, but still preserving the integrity and upholding the dignity of the House as follows:

After Standing Order No. 5, insert a new Standing Order 5A. as follows:

5A. Official Parliamentary Dress Code

- (1) For the sittings of the House, Members shall be in their formal attire.**
- (2) The formal attire for male Members of Parliament shall be a lounge suit, a pair of long trousers, a tie, and a jacket.**
- (3) The formal attire for female Members of Parliament shall be a formal dress, dress suit or skirt suit or seshoeshoe dress (with tops short or long sleeved and dresses on or below the knee) or formal executive trouser suit.**
- (4) Sleeveless garments, khaki, chinos, denim, hoodies, sportswear, casual shoes, trainers or bearing a similar effect, shall not be considered as formal attire.**
- (5) On Wednesdays, formal blankets/lehlosi, locally branded clothes and any other Basotho traditional regalia that conforms to work may be worn as formal attire by both male and female MPs.**
- (6) On Fridays, Members may be in their formal political party attire (bearing party symbols), district or national.**
- (7) Alternative dress code may be prescribed for a specific period to deviate from this Standing Order to observe specific events or developments as the case may be.**

2. Conclusion:

The Standing Orders Committee wishes to present this Report to the House for consideration and adoption.

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Schedule 1

AGREEMENT FORM FOR ADOPTION OF A PRIVATE MEMBER’S BILL BY THE GOVERNMENT

I, the undersigned, in terms of Standing Order No. 52 (5) (c), agree to hand over theBill to Hon. Minister of, who on behalf of the Government intends to adopt the Bill.

I, the undersigned, on behalf of the Government of Lesotho and acting in terms of Standing Order No. 52 (5) (c), agree to adopt theBill which Hon.....has been given leave to introduce and present it before the House within three months of adoption.

Both parties agree that the Bill may be amended as the Government deems fit.

Signed:

NAME: NAME:.....
(Hon. MEMBER) (Hon. Minister)

SIGN:.....SIGN:.....

Witness:

.....Sign.....

Schedule 2

Clustering of Ministries for the Eleventh Parliament in terms of Standing Order No. 96

- 1. Human and Social Development Cluster** shall be responsible for the Ministries of Health, Education and Training, Gender, Youth and Social Development, Tourism, Sports, Arts and Culture (4)
- 2. Economic Development and Food Security Cluster** shall be responsible for the Ministries of Finance and Development Planning, Trade, Industry and Small Bussinesses, Labour and Employment, and Agriculture, Food Security and Nutrition (4)
- 3. Internal affairs, foreign relations, and Information Cluster** shall be responsible for the Ministries of Public Service, Prime Minister’s Office, Information, Communications, Science, Technology and Innovation, Foreign Affairs and International Relations (4)
- 4. Natural Resources and Infrastructure Development Cluster** shall be responsible for the Ministries of Natural Resources, Energy, Environment and Forestry, Public Works and Transport (4)
- 5. Governance, Law and Public Safety Cluster** shall be responsible for the Ministries of Law and Justice, Local Government, Chieftainship, Home Affairs and Police, National Assembly, Senate, Ombudsman, IEC and DCEO (7)

ANNEX 1

LIST OF HON. MEMBERS OF THE STANDING ORDERS COMMITTEE

1. Hon. T. Tšita-Mosena
2. Hon. M. Abinyane
3. Hon. T. Cheba
4. Hon. M. Hlalele
5. Hon. F. M. Hloaele
6. Hon. J. Lekunya
7. Hon. L. Lethole
8. Hon. Dr. T. Lipholo
9. Hon. K. Mabeleng
10. Hon. T. Makhalanyane
11. Hon. Dr. P. Manamolela
12. Hon. M. Metsing
13. Hon. M. Mokhothu
14. Hon. T. J. Mosotho
15. Hon. K. Motseki
16. Hon. M. Nku
17. Hon. Dr. M. Phamotse
18. Hon. M. Phiri
19. Hon. L. Puseletso
20. Hon. Adv. L. Rakuoane
21. Hon. T. Tayob
22. Hon. M. Tjabane