

LEGAL NOTICE No. 75

REPUBLIC OF TRINIDAD AND TOBAGO

THE MUNICIPAL CORPORATIONS ACT, 1990

STANDING ORDERS

MADE BY THE PENAL/DEBE REGIONAL CORPORATION WITH THE APPROVAL OF
THE PRESIDENT UNDER SECTION 66 OF THE MUNICIPAL CORPORATIONS
ACT, 1990

THE PENAL/DEBE REGIONAL CORPORATION STANDING
ORDERS, 1996

1. These Standing Orders may be cited as the Penal/Debe Regional Corporation Standing Orders, 1996. Citation

2. In these Standing Orders—

Interpretation

“Chairman” means the Chairman of the Council;

“Chief Executive Officer” means the Chief Executive Officer of
the Penal/Debe Regional Corporation;

“Council” means the Council of the Penal/Debe Regional
Corporation;

“member” means a councillor or alderman of the Penal/Debe
Regional Corporation;

“Vice-Chairman” means the Vice-Chairman of the Council.

3. (1) A member shall not sit or vote in the Council unless he makes a declaration in the form set out in the Schedule. Taking of
oath or
affirmation

(2) Every declaration shall be delivered to the Chief Executive Officer and shall form part of the records of the Council.

(3) A member shall take the oath or affirm at the first meeting of the Council as set out in the Schedule.

(4) A member who is unable to comply with paragraph (3) may take the oath or affirm at a meeting of the Council at a time appointed under Standing Order 7.

(5) A member shall, immediately after taking the oath or affirming, sign the book kept for that purpose.

Proceedings at
meetings for
election of a
Chairman,
Vice-Chairman

4. (1) The Chairman or Vice-Chairman shall be elected from amongst the aldermen and councillors.

(2) The procedure for the election of the Chairman shall be as follows:

- (a) a member present who has taken the oath or affirmed and who wants to vote may write upon a ballot paper, to be supplied to him by the Chief Executive Officer, the name of the member whom he desires to be Chairman;
- (b) the Chief Executive Officer shall then call the names of all the members and each member who has written upon a ballot paper as his name is called, shall come to the table and drop his ballot paper into a glass in such manner as not to disclose how he is voting;
- (c) when the voting is finished the member presiding shall examine the ballot with the assistance of the Chief Executive Officer and report to the Council the name of the member upon whom the majority falls;
- (d) where more than one person receives the same number of votes the member presiding shall exercise his casting vote;
- (e) a member shall not drop any ballot paper into the glass save his own;
- (f) a member who has taken the oath or affirmed and who arrives at the meeting after the names of the members have been called but before the member presiding has begun his examination of the ballot papers, may record his vote in the manner prescribed in this paragraph;
- (g) where the member presiding is satisfied that a ballot paper does not comply with this paragraph, he may reject that ballot paper and proceed with the election or declare the election void, and in the latter case, shall order that the proceedings for the election begin *de novo*;
- (h) where the member presiding is satisfied that the election procedure has not been, or is not being carried out properly in any other respect, he may declare the election void, and order that the proceedings for the election begin *de novo*.

(3) The Chairman of the Council shall hold office for three years and shall continue in office until his successor has accepted office and made and subscribed to the statutory declaration.

- (4) The Chairman shall be eligible for re-election.
- (5) The Vice-Chairman shall be elected as follows:
 - (a) every member present who has taken the oath or affirmed as the case may be and who wants to vote shall write upon a ballot paper, to be supplied to him by the Chief Executive Officer, the name of the member whom he desires to be the Vice-Chairman;
 - (b) the Chief Executive Officer shall then call the names of all the members and each member who desires to vote, as his name is called shall come to the table, and drop his ballot paper into the glass in such a manner as not to disclose how he is voting;
 - (c) when the voting is complete the Chairman shall examine the ballots with the assistance of the Chief Executive Officer, and report to the Council the name of the member upon whom the majority falls;
 - (d) where more than one person has received the same number of votes, the Chairman shall exercise his casting vote;
 - (e) a member shall not drop any other ballot paper into the glass save his own;
 - (f) a member who has taken the oath or affirmed and who arrives after the names of the members have been called but before the Chairman has begun his examination of the ballot papers may record his vote in the manner prescribed in this paragraph;
 - (g) where the Chairman is satisfied that a ballot paper does not comply with this paragraph, he may reject that ballot paper and proceed with the election or declare the election void, and, in the latter case, he shall order that the proceedings for the election begin *de novo*;
 - (h) where the Chairman is satisfied that the election procedure has not been or is not being carried out properly in any other respect, he may declare the election void and order that the proceedings for the election begin *de novo*.
- (6) A Vice-Chairman shall hold office for three years and shall be eligible for re-election but shall in no case hold office as Vice-Chairman for more than three successive terms.
- (7) The Chairman of a standing committee may be appointed by the Council or in accordance with the recognized municipal convention of Mayoral Selection, shall hold office for one year and shall be eligible for re-appointment.

Elections of
members of
standing
committee

5. (1) The Council shall at a meeting to be held immediately after the first election of members and in each subsequent year at the first meeting in each year, elect from amongst their members the following standing committees:

- (a) Finance, Planning and Allocation of Resources;
- (b) Personnel;
- (c) Public Health;
- (d) Physical Infrastructure,

and a chairman shall be elected in respect thereof.

(2) Members of the committee shall be chosen by ballot.

(3) The Chairman and Vice-Chairman shall be eligible for appointment as chairman to a standing committee.

(4) A member who is unwilling to serve on a standing committee shall inform the Chief Executive Officer in writing at the meeting at which the election of members of such committees take place, and at that meeting the Chief Executive Officer shall announce the names of members who are unwilling to serve on a committee.

(5) The procedure for election shall be as follows:

- (a) every member present who has taken the oath or affirmed as the case may be, shall, if he wants to vote, write upon a ballot paper to be supplied to him by the Chief Executive Officer, the names of not less than five members as determined by the Council whom he desires to be members of the standing committees listed in paragraph (1);
- (b) the Chief Executive Officer shall then call the names of all the members and each member who desires to vote, as his name is called shall come to the table, and drop his ballot paper into the glass in such a manner as not to disclose how he is voting;
- (c) when the voting is complete, the Chairman shall examine them with the assistance of the Chief Executive Officer, and report to the Council the name of the members upon whom the majority falls;
- (d) if as a result of two or more persons receiving the same number of votes, more than the appropriate number of members as determined by the Council are chosen the Chairman shall declare the names of the members elected, and the names of the other members chosen who have the same number of votes;

- (e) the Chairman shall direct subsequent ballots to be held until all the places have been declared filled save that the ballot papers shall not contain the names of any member who was elected in a previous ballot or who was not chosen in the first ballot and where two or more candidates for the last place have an equal number of votes the Chairman shall exercise his casting vote;
- (f) a member shall not drop any other ballot paper into the glass save his own;
- (g) a member who has taken the oath or affirmed and who arrives after the names of the members have been called before the Chairman has begun his examination of the ballot papers, is entitled to record his vote in the manner prescribed in this paragraph;
- (h) where the Chairman is satisfied that a ballot paper does not comply with this paragraph or that the election procedure is not being carried out in any other respect, he may reject that ballot paper and proceed with the election, or declare the election void, and in the latter case, he shall order that the proceedings for the election begin *de novo*.

(6) The Chairman shall select a member of the Council to be the chairman of—

- (a) a subcommittee of the Council;
- (b) a committee other than a standing committee.

6. (1) Where the Chairman is satisfied that a vacancy has occurred among the members of any committee, he shall give notice to the Council of the occurrence of such vacancy and shall appoint a day for the election of a member to fill such vacancy.

Election of a Councillor to fill a vacancy upon any committee

(2) The procedure for the election of a member to fill a vacancy in any committee shall be in accordance with the procedure set out in Standing Order 5(5).

7. (1) The Council shall hold meetings at such times and at such place within the electoral areas as it may appoint.

Meetings of the Council

(2) Where the date of the meeting falls on a public holiday, the meeting shall be held on such other day as determined by the Chairman.

(3) The Chairman shall have an original vote and in the case of an equality of votes a casting vote.

(4) The Chairman shall preside at all meetings of the Council and, if for any reason the Chairman is not present, the Vice-Chairman shall preside, and if both the Chairman and Vice-Chairman are not present the members present and constituting a quorum shall elect a Chairman from among their own number.

(5) The Chairman may at any time call a special meeting of the Council

(6) The Chairman shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

(7) The meeting of the Council shall be open to the public except that the Chairman may direct that the public be excluded from any meeting of the Council where he considers it necessary.

(8) Where the Chairman neglects or refuses to call a meeting within seven days of receiving a written request signed by not less than one third of the members of the Council a meeting may be called by any of the signatories to the request.

Quorum of
council and
committees

8. (1) One half of the number of members of the Council shall constitute a quorum.

(2) The quorum of a committee shall be determined by the Council at the time the committee is elected.

(3) If during a meeting of the Council or a committee the attention of the Chairman or the chairman of a committee is called to the number of members present he shall unless it is apparent to him that a quorum is present direct that the roll of membership be called in the same way as in a division and if it is found that there is not a quorum present the meeting shall terminate and any decision taken declared invalid.

Confirmation
of minutes of
Council

9. (1) A copy of the minutes of every meeting of the Council shall be sent to every member at least two days prior to the holding of the next subsequent statutory meeting and shall, at such subsequent statutory meeting, be deemed to be read for confirmation, and unless any corrections are agreed to, the minutes shall be confirmed in accordance with the decision of the Council.

(2) The minutes as confirmed shall be signed by the Chairman.

(3) The Council may by resolution postpone the confirmation of the minutes of a meeting.

(4) No business shall be transacted at a meeting of the Council until the minutes of the proceedings of the previous meeting are confirmed, or their confirmation has been postponed.

10. (1) Subject to these Standing Orders the business of the Council and a committee shall be transacted in the following order: Order of business

- (a) confirmation or postponement of confirmation of minutes;
- (b) oath of office of a new member;
- (c) election of Chairman, Vice-Chairman, members of committees;
- (d) announcements;
- (e) papers and correspondence to be laid;
- (f) reports and minutes of committees;
- (g) petitions;
- (h) questions;
- (i) personal explanations;
- (j) motions by members;
- (k) other public business including matters to be dealt with under this standing order.

(2) Except with the leave of the Council or committee, as the case may be, no item shall be taken out of its order on the agenda.

(3) A document, the subject matter of which falls within the reference of a standing committee, shall be placed on the agenda of the Council only at the direction of such committee except that where a document is received by the Chief Executive Officer too late to be dealt with by the appropriate standing committee at the usual meeting for the current month, the Chairman may, if he thinks fit, order that such document be placed on the agenda of the next meeting of the Council.

11. (1) The Minister may address the Council at any time he thinks fit Address by the Minister

(2) A message from the Minister may be presented at any time before the commencement of or at the close of business by the Chairman and shall be considered forthwith or ordered to be considered at such time as the Council may determine.

12. (1) A notice of a question shall be given in writing by a member, and it shall state whether the member requires an oral answer. Questions

(2) A notice shall not be read in the Council's Chamber.

(3) A notice of a question may be handed to the Chief Executive Officer when the Council is sitting, or may be sent to or left at the office of the Chief Executive Officer at any time.

(4) A question may be put—

- (a) to the Chairman or Vice-Chairman on any matter relating to the business of the Council;
- (b) to the chairman of a committee on any matter with which that committee is concerned.

(5) A question not requiring an oral answer shall be answered by laying a written answer on the table and on the same day supplying a copy, of such answer to the member asking the question.

(6) Where an oral answer is required the following procedure shall be adopted:

- (a) the member questioned shall give notice without unreasonable delay to the Chief Executive Officer of the day on which he proposes to answer the question;
- (b) on the day when the question is reached on the agenda, the Chairman shall call upon the member in whose name the question stands;
- (c) the member so called upon shall rise in his place and ask the question by reference to its number on the agenda; and
- (d) the member questioned shall give his reply.

(7) When all the questions for which an oral answer is required have been called, the Chairman, if time permits, shall call again any question which has not been asked by reason of the absence of the member in whose name it stands; in which case a member can ask a question for another member, if deputed by him to do so. The Chairman shall also call again any question which has not been answered by reason of the absence of the member to whom it is addressed.

(8) Where, for any reason, a question requiring an oral answer remains unanswered when the Council adjourns, a written answer shall be sent to the member who puts the question.

(9) A question shall not be asked without seven days notice, unless it is of an urgent nature and the member has obtained the leave of the Chairman to ask it.

Supplementary
questions

13. (1) A supplementary question may be asked only in relation to an oral answer.

(2) A member may put a supplementary question to the member who made the oral answer for the purpose of further elucidating any matter of fact dealt with in that answer.

(3) The Chairman shall disallow any supplementary question if, in his opinion, it infringes the standing Orders as to the admissibility of questions, and in that case, the supplementary question shall not appear in the Minutes of the Council or in any report of its proceedings.

(4) A supplementary question shall not introduce any matter not included in the original question.

Restrictions
on questions

14. (1) A question shall be subject to the following general rules:

- (a) the object of a question shall be to obtain information on a matter of fact within the cognizance of the member to whom it is addressed, or to ask for official action;

- (b) a question shall not include the names of members or any statements of fact, unless they are necessary to render the question intelligible;
- (c) where the question contains a statement of fact, the member asking it shall make himself responsible for the accuracy of the statement and no question shall be based upon a newspaper report or upon an unofficial publication;
- (d) a member shall not address the Council upon any question and a question shall not be made the pretext for a debate;
- (e) not more than one subject shall be referred to in any one question and a question shall not be of an excessive lengths;
- (f) a question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases;
- (g) a question shall not be asked—
 - (i) which raises an issue already decided or which has been answered fully during the current year or to which an answer has been refused;
 - (ii) seeking information about matters which are in their nature secret;
 - (iii) regarding proceedings in a committee which have not been placed before the Council by a report from the committee;
 - (iv) which deals with matters referred to a Commission of Enquiry or the jurisdiction of the Chairman of a Select Committee of Parliament;
 - (v) as to the character or conduct of any member except in his official or public capacity;
 - (vi) about any matter pending before a court of law, or which reflects on the decision of a court;
 - (vii) making or implying a charge of a personal character;
 - (viii) whether statements in the press or of a private individual or unofficial bodies are accurate;
 - (ix) the answer to which can be found by reference to available official publications;
 - (x) referring discourteously to or seeking information about the internal affairs of any territory within the Commonwealth or of any other friendly foreign country;
- (h) a question shall not solicit the expression of an opinion or the solution of an abstract legal question or formulate a hypothetical proposition.

(2) The Chairman or the Vice-Chairman or the chairman of a committee may decline to answer a question if the publication of the answer would in his opinion be contrary to the public interest.

(3) The Chairman shall disallow any question if in his opinion—

(a) the publication thereof would be contrary to the public interest;

(b) it is an abuse of the right of questioning or is calculated to obstruct or affect prejudicially the procedure of the Council;

(c) it infringes any standing order.

(4) The Chairman shall decide whether a question is or is not admissible under these Standing Orders and, if not admissible, shall disallow it.

(5) Where a question is disallowed by the Chairman, it shall be returned by the Chief Executive Officer to the member, endorsed with a note of the reason why the Chairman disallowed it.

(6) A notice of a question, which contains unbecoming expressions, or offends against any standing order, may be amended by the Chairman with the consent of the member asking the question before it appears on the agenda and if the question cannot be amended to the satisfaction of the Chairman, it shall not appear on the agenda.

(7) Not more than three questions requiring an oral answer in the name of the same member shall appear on the agenda.

(8) Not more than a half hour shall be allotted to questions on any day.

Petitions

15. (1) Every application to the Council shall be in the form of a petition and every petition must be presented by a member, who shall ensure that it is in order and couched in respectful language.

(2) Every petition intended to be presented to the Council shall conclude with a prayer stating the general object of the petition which shall relate to the business of the Council.

(3) The petition shall not be presented to the Council unless it is endorsed by the Chief Executive Officer as being in accordance with these Standing Orders.

(4) A member presenting a petition shall state concisely the purport of the petition and the same may be ordered to lie upon the table, or are referred to a committee for report, or to be read, but no debate shall be permitted on such petition.

- (5) The Council shall not receive a petition which—
 - (a) is not addressed to the Council and which is not properly and respectfully worded;
 - (b) has not at least one signature and the address of the person signing on the sheet on which the prayer of the petition appears, and which has not the prayer at the head of each subsequent sheet of signatures;
 - (c) could have the effect of imposing, altering or repealing any rate, tax or duty;
 - (d) in the Chairman's opinion, does not conform with these Standing Orders.

16. (1) Where under these Standing Orders notice is required, such ^{Notices} notice shall be given in writing signed and dated by the member and addressed to the Chief Executive Officer and may be handed to the Chief Executive Officer at any time when the Council is sitting, or may be sent to or left at the office of the Chief Executive Officer at any time.

(2) Except with the leave of the Council or where otherwise provided by these Standing Orders, no motion shall be in order unless notice thereof has been given at least seven days before the date of the meeting at which it is intended to be brought forward.

(3) No debate shall take place on the giving of notice of any matter.

(4) Unless otherwise provided for in these Standing Orders, no debate shall take place except on a motion.

(5) All notices shall appear on the agenda in the form in which they are handed in or with such modifications or alterations as the Chairman, with the consent of the member concerned, may direct, except that the Chairman may disallow a notice and, in that case, it shall be returned by the Chief Executive Officer to the member, endorsed with a note of the reason why the Chairman disallowed it.

(6) All notices of motion shall appear on the agenda in the order in which they are received.

(7) If a motion, notice of which is specified in the summons, is not moved on the day for which it was fixed, either by the member who gave the notice or by some other member authorized by him in writing so to do, it shall, unless its postponement is allowed by the Council, be considered as dropped and shall not be moved without fresh notice.

(8) A member may withdraw a motion at any time before it is actually moved by him.

(9) A notice shall not be dispensed with in the case of a motion or in respect of any proceedings for which notice is required except with the consent of the Chairman and the assent of the majority of the members present.

Exemptions
from notice

17. Unless the Standing Orders otherwise provide, notice shall be given of any motion which it is proposed to make, with the exception of the following:

- (a) a motion for the amendment of any motion;
- (b) a motion for the adjournment of the Council or a debate;
- (c) a motion put with the leave of the Chairman for the suspension of the Standing Orders;
- (d) a motion to correct an error in the Minutes;
- (e) a motion for the withdrawal of strangers;
- (f) a motion that the Council resolve itself into Committee;
- (g) a motion made in Committee;
- (h) a motion for the suspension of a member;
- (i) a motion that a petition lie upon the table and be read, or referred to a Select Committee;
- (j) a motion relating to a matter of privilege;
- (k) a motion on a point of order.

Privilege
motions

18. (1) A motion directly concerning the privileges of the Council shall take precedence over all other motions.

(2) If during a sitting of the Council a matter arises which directly concerns the privileges of the Council the proceedings may be interrupted, save during the progress of a division, by a motion based on such matter of privilege.

Motions

19. (1) A member may propose by way of motion for debate by the Council a question relating to the powers and functions of the Corporation.

(2) A matter requiring the decision of the Council is decided by means of a question put by the Chairman on a motion by a member.

(3) When a motion has been made and, if necessary, seconded the Chairman shall propose the question for consideration, and, after debate, if any, shall put it for the decision of the Council.

(4) If a motion embodies two or more separate propositions, the propositions may be put by the Chairman as separate questions.

(5) It shall not be necessary to second a motion in Committee.

(6) If a member desires to vary the terms of a motion standing in his name, he may do so by giving an amended notice of motion, except that such amendment shall not, in the opinion of the Chairman, materially alter any principle embodied in the original motion or the scope thereof.

(7) An amended notice of motion shall run from the time at which the original notice of motion was given.

(8) Where it appears that there is no difference of opinion among the members present, orders and resolutions of the Council may be entered as such in the Minutes without any formal motion being made.

(9) A motion or amendment which, by these Standing Orders, is required to be seconded shall lapse if it is not so seconded.

(10) If a member does not move a motion which stands in his name when he is called upon, it shall lapse unless some other member, duly authorized by him in writing, moves it in his stead.

(11) By leave of the Council or a committee as the case may be, a motion may at the request of the mover and at anytime after it has been moved, be withdrawn before it is fully put to the Council or committee, that is, before the voices of the "Ayes" and "Noes" have been collected and a motion withdrawn by leave of the majority of the members of the Council or committee present at the time may be made again on notice being given.

(12) If an amendment has been proposed to a question, the original motion cannot be withdrawn until the amendment has been disposed of.

(13) If an interval of three calendar months has elapsed after notice of motion was given without further action being taken on the motion, the motion shall be deemed to be withdrawn.

20. (1) A member may propose any motion relating to the powers and functions of debate in the Council and the same shall be dealt with in accordance with these Standing Orders. ^{Question for debate}

(2) When a question for debate has been proposed, debated and disposed of a member shall not without the leave of the Chairman raise a question substantially identical thereto until the expiry of six months from the date upon which the question was raised.

(3) A matter upon which the Council has come to a decision shall not be revived within six months of such decision without the leave of the Chairman.

(4) When a motion is under debate, no further motion shall be received except it is a motion—

- (a) to amend the motion;
- (b) that the consideration of the question be postponed;
- (c) that the Council be not adjourned;
- (d) that the debate be adjourned;
- (e) that the question be now put; or
- (f) that the Council do proceed to the next business.

Amendments

21. (1) A question, when being debated, may be amended—

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

(2) Unless otherwise provided in these Standing Orders, an amendment shall not require notice but shall be put in writing and handed to the Chief Executive Officer by the member proposing it.

(3) An amendment shall be relevant to the motion to which it is posed.

(4) An amendment shall not raise any question which, by these Standing Orders, can only be raised by a substantive motion after notice.

(5) After a decision has been given on an amendment to any part of a motion, an earlier part cannot be amended.

(6) In the like manner where an amendment to a part of a motion has been proposed to the Council by the Chairman, an earlier part cannot be amended, unless the amendment so proposed is withdrawn.

(7) An amendment shall not be inconsistent with a previous decision given at the same stage of any matter.

(8) An amendment to an amendment, proposed to the Council by the Chairman, may be moved.

(9) Where an amendment proposes to leave out words and insert other words debate upon the first question on the amendment may include both the words proposed to be left out and those proposed to be inserted.

(10) Where an amendment proposes to leave out words or to insert words, debate shall be confined to the omission or insertion of such words respectively.

(11) An amendment to a proposed amendment must be relevant to the original amendment and shall be proposed, debated and put to vote as if the amendment were an original question and all amendments to it were disposed of.

(12) Where an amendment has been moved and, if necessary, seconded, the question thereon shall be proposed, debated and put to the vote before the original question.

(13) The Chairman shall put the amendment to the Council in such order and in such form as he thinks fit.

(14) The Chairman may allow a single discussion to cover the original motion and any amendments thereof in order to save time and avoid the repetition of arguments.

22. (1) A member may at any time during the course of debate move "That the question be now put" and, if it appears to the Chairman that the motion is neither an abuse of these Standing Orders nor an infringement of the rights of the minority, the motion "That the question be now put" shall be put forthwith. Closure

(2) The motion in paragraph (1) shall not be proposed unless the Chairman or the Vice-Chairman of the Council or the Chairman of the Committee is in the chair.

(3) When the motion "That the question be now put" has been decided, any further motion may be made which may be requisite for the decision of any other question already proposed with the consent of the Chairman.

(4) Every motion made under this standing order shall be put forthwith and decided without amendment or debate.

23. The following rules shall be observed when debating:

Rules of
debate

(a) where a debate has begun, a member—

- (i) shall enter and leave with decorum;
- (ii) shall not read books, newspapers or letters unless they relate to business;
- (iii) shall maintain silence while another member is speaking, and shall not interrupt except in accordance with these Standing Orders;
- (iv) shall otherwise conduct himself in a fit and proper manner;

(b) the conduct of the Chairman or member shall not be raised except upon a substantive motion and in any amendment, question to a member or remarks in debate on a motion dealing with any other subject, reference to the conduct of the persons aforesaid shall be out of order;

- (c) the Chairman may address the Council at any time;
- (d) the mover of a motion or amendment may speak in support thereof, but no further debate shall be allowed unless the motion or amendment has been duly seconded and when the Council is in committee a motion or amendment may be moved or debated without being seconded;
- (e) when a motion is made for the adjournment of a debate or the Council during a debate, the ensuing debate thereon shall be confined to the matter of such motion and no member shall, having moved or seconded any such motion, be entitled to move or second any similar motion during the debate;
- (f) where the Chairman is of the opinion that a dilatory motion is an abuse of the Standing Orders he may forthwith put the question or he may decline to propose it;
- (g) any member may second a motion or amendment by rising in his place and bowing to the Chair without prejudice to his right to speak at a later stage of the debate.

Rules for
members
speaking in
the Council

24. (1) The following rules shall be observed when speaking in the Council:

- (a) every member shall stand when speaking and shall address the Chairman;
- (b) a member shall not read his speech except with the leave of the Chairman, but he may read extracts from written or printed papers in support of his argument and may refresh his memory by reference to notes;
- (c) subject to the standing order which deals with "closure" a member, while speaking, shall not be interrupted, unless he is out of order;
- (d) when a member wishes to speak he shall rise in his place, but shall not begin to speak until the Chairman calls upon him to do so;
- (e) when a member has finished his observation he shall resume his seat and any other member wishing to address the Council may rise;
- (f) where more than one member rises at the same time the Chairman shall call on the member who first catches his eye;
- (g) every member shall confine his observations to the subject under consideration and, where more than one question has been proposed, as by way of amendment the debate must be relevant to the last question so proposed, until it has been disposed of.

(2) No member shall refer to any matter on which a judicial decision is pending.

(3) No member shall—

- (a) impute improper motives to any other member;
- (b) make a personal charge against any other member;
- (c) use offensive expressions;
- (d) refer to any other member by name.

(4) A member may, with the consent of the Council, explain matters of a personal nature although there is no question before the Council.

(5) A matter under paragraph (1) may not be debated and a member must confine himself strictly to the vindication of his own conduct.

(6) No member shall speak more than once on any question before the Council except—

- (a) in explanation of some material part of his speech which has been misunderstood, during which explanation he must not introduce any new matter;
- (b) on a point of order;
- (c) in the exercise of the right of reply;
- (d) when a new question has been proposed from the Chair such as a proposed amendment;
- (e) on a motion for the adjournment of the debate; or
- (f) when the Council is in Committee.

(7) The mover of a motion may reply after all the other members present have had an opportunity of addressing the Council and before the question is put and after such reply the question shall be put without further discussion.

(8) A member shall not speak on a matter in which he has a direct or indirect personal or pecuniary interest without disclosing the extent of that interest.

(9) A member shall not speak on any question after it has been fully put to the vote by the Chairman.

(10) A member who deviates from these Standing Orders may be called to order immediately by the Chairman or by any other member rising on a point of order and where a question arises as to whether a member is or is not in order, that question shall be decided by the Chairman.

(11) A member may rise on a point of order at any time during the speech of another member, stating that he rises on a point of order and the member who was speaking shall thereupon resume his seat and so shall the member who rose on a point of order when he has concluded his appeal to the Chairman.

(12) No other member may, except by leave of the Chairman, speak on the point of order and the Chairman shall, after the statement on the point of order has concluded, give his decision thereon after which the member who was speaking at the time the point of order was raised, shall be entitled to proceed with his speech, giving effect to the ruling of the Chairman.

(13) When the Chairman rises during a debate, any member then speaking or wishing to speak shall immediately resume his seat, and the Council shall be silent so that the Chairman may be heard without interruption.

Time limit for
speeches in
Council

25. (1) The mover of an original motion shall be limited in the duration of his speech, on such motion or in reply, to a period not exceeding twenty minutes.

(2) Subject to paragraph (1), a member shall not address the Council for more than fifteen minutes on any subject except that the Council may, by motion made and carried without amendment or debate specifying the extension, extend the time limited by this standing order.

(3) The ruling of the Chairman as to the time taken by a member shall be final.

Voting

26. (1) All questions proposed for decision in the Council shall be determined by a majority of the votes of the members present and voting unless otherwise provided.

(2) A chairman, whether of the Council or of a committee or any person acting as a chairman shall have an original and a casting vote.

(3) Every member present, unless he expressly says that he declines to vote, shall record his vote either for the "Ayes" or the "Noes".

(4) Where there is a division the Chief Executive Officer shall enter on the minutes the record of each member's vote, and shall add a statement of the names of members who declined to vote.

(5) Where a member states that he voted in error, or that his vote was counted wrongly, he may request a fresh division, except that the request shall be made before the Chairman has declared the result of the division.

(6) The Chairman may, accept a request made under paragraph (5) and hold a fresh division, or refuse.

(7) A member shall not vote on any subject in which he has a direct or indirect personal pecuniary interest, but a motion to disallow a member's vote on this ground shall be made only as soon as the number of the members voting on the question has been declared and before the Chairman declares the result of the division and if the motion for the disallowance of a member's vote is carried, the Chairman shall direct the Chief Executive Officer to correct the numbers voting in the division accordingly.

(8) In deciding whether a motion for the disallowance of a member's vote shall be proposed from the Chair, the Chairman shall have regard to—

- (a) the character of the question upon which the division was taken;
- (b) whether the interest therein of the member whose vote is challenged has a direct or indirect personal or pecuniary interest, and not only an interest in common with the public and whether his vote was given on a matter of public policy.

27. (1) At the conclusion of a debate the question either in its amended form, or as the case requires, shall be put by the Chairman for ^{Putting} proposal to _{vate} the decision of the Council.

(2) Where the amendments have been moved and seconded where necessary, the Chairman shall put the amendments to the vote before the original question.

(3) The votes may be taken by voices, "Ayes" and "Noes", and the result shall be declared by the Chairman, "I think the Ayes have it" or "I think the Noes have it," as the case may be.

(4) A member may challenge the opinion of the Chairman and claim a division, in which case, the votes shall be taken by the Chief Executive Officer, calling each member's name including that of the occupant of the Chair, when he has a vote and asking each member separately how he desires to vote and recording the votes accordingly.

(5) The Chief Executive Officer shall announce the number of those who have voted for and against the proposal and the Chairman shall declare the result of the division.

(6) Subject to paragraph (1) no member shall, after the Chairman has announced the question on which the vote is to be taken, be permitted to offer an opinion or ask a question or otherwise interrupt the proceedings until the result of the vote has been intimated.

Order in the
Council and
in committee

28. (1) The Chairman shall be responsible for the observance of the Standing Orders relating to order in the Council and the chairman of a committee shall be responsible for the observance of the Standing Orders relating to order in the committee, and their decisions upon any point of order shall not be open to appeal, and shall not be reviewed, except upon a substantive motion made after notice.

(2) The Chairman, after having called attention to the conduct of a member who persists in irrelevance or tedious repetition, either of his own arguments, or of the arguments used by other members in debate, may direct the member to discontinue his speech and to resume his seat.

(3) A member, who persists in standing after the Chairman has risen and who refuses to resume his seat when directed so to do or persistently interrupts the Chairman, shall be directed to withdraw for the remainder of the sitting or named for disregarding the authority of the Chairman under this standing order.

(4) The Chairman shall order a member whose conduct is grossly disorderly to withdraw immediately during the remainder of the day's sitting, and may direct such steps to be taken as are required to enforce his order.

(5) Where a direction to withdraw under this standing order is not complied with at once or where on any occasion the Chairman deems that his powers are inadequate, the Chairman may name such member in pursuance of paragraph (6).

(6) Where any member disregards the authority of the Chairman, persistently commits breaches of the Standing Orders or abuses the Standing Orders by persistently and willfully obstructing the business of the Council or otherwise and—

(a) the offence has been committed in the Council, the Chairman may name such member, and thereupon any other member may move that the member so named be suspended from the service of the Council and any committee thereof and the Chairman shall put to the vote the question on the motion "that such member be suspended from the service of the Council and of any committees thereof," without permitting any amendment, adjournment or debate; or

(b) if the offence has been committed in the committee, the chairman of that committee shall forthwith suspend the proceedings of the committee and report the circumstances to the Council and the Chairman, on a motion being made, shall thereupon put the same question without amendment, adjournment or debate, as if the offence had been committed in the Council;

(c) where a motion in subparagraph (a) is carried and a member is suspended, his suspension on the first occasion shall continue for twenty-one days, on the second occasion for thirty days and on the third or any subsequent occasion for forty days; and

(d) any allowance or remuneration to which a member is entitled as a member of the Council and of any committee including sums due for the day of suspension shall cease for the period of his suspension.

(7) Only one member shall be named at the same time, unless several members present together have jointly committed such offence.

(8) A member who is directed to withdraw or who is suspended under this standing order shall forthwith leave the Council and its precincts.

(9) Where any member has been directed to withdraw or has been suspended under this standing order and he refuses to obey the direction of the Chairman to withdraw from the Corporation and its precincts, the Chairman shall call the attention of the Council to the fact that recourse to force would be necessary in order to compel obedience to his direction and the member named by him as having so refused to obey this direction, shall without further question be suspended from the service of the Council for a period of forty days.

(10) A member, who is directed to withdraw or who is suspended under this standing order, shall not—

(a) attend the sitting from which he was directed to withdraw; or

(b) in a case of suspension, attend any sitting until the termination of his suspension.

(11) In the case of grave disorder arising in the Council the Chairman may, if he thinks it necessary to do so adjourn the sitting as the case may be, without question put or suspend the sitting for a period to be determined by him.

(12) Any member who uses objectionable, abusive, insulting or offensive words or language and, on being called to order refuses to withdraw such words or language or to explain them and does not offer an apology for the use thereof to the satisfaction of the Council, may be proceeded against and dealt with as though he had committed an offence under paragraph (6) of this standing order.

(13) Any member who has committed a breach of order not specified in these Standing Orders may be proceeded against and dealt with as though he has committed an offence under paragraph (6) of this standing order.

Committee of
the whole
Council

29. (1) A Committee of the whole Council may be appointed by resolution "that the Council of the Corporation resolve itself into Committee".

(2) The standing orders as to procedure in the Council shall apply as far as possible to procedure in Committee except that

(a) a motion need not be seconded;

(b) a member may speak more than once on the same question.

(3) The Committee shall consider such matters only as have been referred to it by the Council.

(4) The Proceedings in Committee shall be recorded in minutes.

(5) Any member wishing to propose that further deliberations of the committee be postponed to some other occasion may move that the Chairman so adjourn the committee.

(6) Where the Committee has been adjourned as aforesaid, and has not completed the business before it, the Chairman or the member in charge of the business shall name a day for the next sitting of the Committee.

(7) Where the Committee has completed the business before it, the Chairman or the member in charge of the business shall report the resolutions of the Committee.

Agenda of
committee
meetings

30. (1) The agenda of business to be dealt with at meetings of a committee shall be prepared by the Chief Executive Officer and he shall place on the agenda—

(a) all matters of business relating to the functions delegated by the Municipal Corporations Act to any Standing Committee;

(b) any matter of business arising which can be appropriately dealt with by any committee;

(c) any matter which has been specifically remitted to a committee of the Council; or

(d) any outstanding matters.

(2) Any representations or reports from officers of the Council intended for meetings of the committees must be lodged with the Chief Executive Officer not later than, eight days preceding the issue of the agenda.

(3) At least five clear days before an ordinary meeting of a committee, the summons to attend such meeting, specifying the business to be transacted thereat and signed by the Chief Executive Officer shall be posted to or left at the address of each member of the committee given to him for the purpose and to any officer concerned.

(4) Any item of business which is not specified in the agenda for a meeting and which in the opinion of the Chairman is urgent and raises a question of principle or policy shall not be transacted at that meeting unless with the consent of not less than half of the members of the whole committee and no decision shall be taken on such item unless the support of at least three quarters of the members of the whole committee is obtained.

(5) Where no consent is obtained or in the event of an effective decision not being reached on any item, that item of business shall be included in the agenda for the next ordinary meeting of the committee.

31. (1) The report of a committee shall be signed by its Chairman and shall, when necessary, contain the recommendations of the committee upon the matter reported on. ^{Committee reports}

(2) Where the report of a committee is not a unanimous one, a member dissenting from any of the recommendations of the report may, if he things fit, submit a written statement of his reasons for such dissent, and such statement shall be appended to the report of the committee.

(3) Every committee report shall be divided into paragraphs which shall be consecutively numbered.

(4) The report of a committee shall be presented to the Council by its chairman or in his absence, by any member of the committee, with a formal motion for its reception.

(5) On receipt of a report, the chairman shall, if the report does not contain any recommendations, move the adoption of the report and if the report contains recommendations, he shall ascertain which, if any, of the recommendations, are not unanimously accepted by the Council and shall move the adoption of the recommendations in respect whereof the Council is unanimous.

(6) A formal motion for the adoption of each of the recommendations in respect whereof the Council is not unanimous shall then be made by the Chairman, or any other member of the committee each recommendation being taken in the order in which it appears in the report and the question shall be decided as in the case of any other motion.

Committee
minutes

32. Minutes of the proceedings of every committee meeting shall be kept by the Chief Executive Officer and shall, after being circulated to and approved by the members who were present at the meeting to which they relate, be signed by the chairman of the committee and laid before the Council.

General rules
of committees

33. (1) All committees shall be reconstituted in each year at the first Council meeting and except where otherwise provided every member of a committee shall hold office for the period from the date of his appointment until the reconstitution of the committees.

(2) Each committee shall from time to time, fix its own day, hour and place of meeting.

(3) The powers and duties of a committee where these have not been determined by these Standing Orders shall be settled by the Council, and each delegation made to any committee shall be specific.

(4) The Council may, at any time, by resolution—

(a) revoke wholly or in part a reference to a committee;

(b) withdraw from a committee a matter falling within the reference to such committee;

(c) extend or modify the reference to a committee; or

(d) transfer any reference, or matter falling within the reference to a committee to any other committee.

(5) The Council may from time to time refer a new matter to a committee.

(6) A vacancy on a committee shall be reported to the Council by the chairman of the committee at the first meeting of the Council after the occurrence of such vacancy and the vacancy, if it is caused by the withdrawal of a member of the committee, may be filled by the appointment of any member of the Council.

(7) Whenever any member of a committee is absent on leave the Chairman may, by writing addressed to the Chief Executive Officer, appoint another member of the Council to act during the absence of such member and such appointment shall be reported by the Chief Executive Officer to the next meeting of the Council.

(8) The chairman of a committee may call a meeting of the committee at any time and shall call a meeting on the written request of a majority of the members and in that case he shall specify the business to be considered at that meeting and no business other than that so specified shall be considered at such meeting except with the unanimous consent of the committee.

(9) Each Standing Committee shall once a year submit a progress report to the Council containing a short statement or extract of the proceedings of that committee and an explanatory statement of policy and such progress reports shall—

- (a) review all items specifically remitted to the committee by the Council which have not been disposed of where such items were remitted at least three months prior to the date of the progress report;
- (b) unless otherwise determined, be submitted by the Standing Committee to give effect to directions so given.

(10) Notwithstanding any reference to the Standing Committee the Council may, subject to any relevant written law, give such directions to the Standing Committee as it may determine save that any direction involving expenditure shall be referred to the Finance, Planning and Allocation of Resources Committee being acted on and the appropriate Standing Committee may give effect to any direction so given.

(11) A committee meeting shall not be open to the press nor to the public.

(12) Where no direct provision has been made in these Standing Orders for regulating committee procedure the Standing Orders relating to Council procedure and other matters shall apply except that—

- (a) a motion need not be seconded;
- (b) a member may speak more than once on the same question.

(13) The Council in remitting any matter to a committee may add any member of the Council for the special purpose of such remittance.

(14) When a motion is remitted to a committee the mover of the motion shall be added to the committee for the purpose of such motion.

(15) The chairman of any meeting of a committee shall decide all points of order, relevance and competence arising at such meeting and his decision shall be final at the meeting.

(16) Any member wishing to propose that further deliberations of a committee be postponed to some other occasion may move that the chairman so adjourn the committee.

(17) When a committee has been adjourned as aforesaid and had not completed the business before it, the chairman or the member in charge of the business shall name a day for the next sitting of the committee.

(18) When a committee has completed the business before it, the chairman or the member in charge of the business shall report the resolutions of the committee.

(19) Any member of the Council may be present at a meeting of a committee of which he is not a member but he shall not take part in the proceedings unless—

- (a) he is the Chairman;
- (b) he is attending the committee as the mover of a motion;
- (c) he has been specially appointed by the Council.

(20) A member of the Council shall not disclose a matter dealt with by or brought before a committee without the permission of the committee until the committee has reported to the Council or otherwise has concluded action on that matter.

(21) A special committee shall continue until it has finally reported to the Council upon the matter referred to them and no longer.

Sub-
committees

34. (1) A committee may appoint sub-committees and may, subject to any standing order or to any directions by the Council, delegate to a sub-committee any of their functions.

(2) The Standing Orders applicable to committees shall apply *mutatis mutandis* to sub-committees.

Motions on
expenditure

35. A motion, moved otherwise than in pursuance of a recommendation or report of the Finance, Planning and Allocation of Resources Committee or of another committee after the said

recommendation or report has been approved by the Finance, Planning and Allocation of Resources Committee, which if carried would materially increase the expenditure upon a service which is under the management of or reduce the revenue under the management of a committee, or would involve capital expenditure, shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council and any committee affected by such motion shall consider whether it desires to report thereon; the Finance, Planning and Allocation of Resources Committee shall report on the financial aspect of the proposal.

36. The Chief Executive Officer shall for each month—
- (a) prepare a statement for each of the committees showing ^{Work progress report} what works have been undertaken and the progress made;
 - (b) table a list of all contracts made for works and supplies;
 - (c) obtain and submit to the Health Committee from the appropriate officers such information as to the work of the Health Staff as that committee deems necessary.

37. (1) The Chief Executive Officer shall cause to be prepared and circulated annually a statement of attendance of members at the Council and committee meetings during each year and the statement shall be submitted to the Council as soon after the end of each year. ^{Statement of attendances}

(2) The names of the members present at meetings of the Council and committees shall be recorded.

(3) It shall be the duty of each member to enter his name in the official attendance book.

38. The Chief Executive Officer and any other chief officers ^{Attendance} may be represented at meetings of the Council and committees by deputies or assistants duly authorized by the chief officers to attend.

39. (1) A member of the Council, unless authorized so to do by the Council or a committee, shall not officially inspect any lands or premises which the Council has the right or duty to inspect, enter upon, or issue any order respecting any works which are being carried out by or on behalf of the Corporation. ^{Inspections and giving of orders}

(2) A member of the Council shall not issue any order with regard to any matter under the jurisdiction of the Municipal Corporation or give instructions to any employee of the Municipal Corporation.

Interest of
members in
contracts, etc.

40. (1) If any member of the Council has a pecuniary interest, direct or indirect, in any contract, proposed contract, or other matter, such member shall whilst such contract, proposed contract or other matter is before the Council withdraw from the meeting unless—

(a) the contract, proposed contract or other matter is before the Council as part of the report of a committee and is not itself the subject of debate;

(b) the Council invites him to remain, by motion to that effect.

(2) These Standing Orders shall apply *mutatis mutandis* to the meetings of the committees.

Signature of
documents

41. Where a document is a necessary step in legal proceedings on behalf of the Council it shall, unless, any enactment otherwise requires or authorizes or the Council has given the necessary authority to some other person for the purpose of such proceedings, be signed by the Chief Executive Officer of the Council.

Inspection of
documents

42. (1) A member of the Council may for purpose of his duty as a member but not otherwise inspect a document which has been considered by a committee or by the Council and if copies are available shall on request be supplied for the like purposes with a copy of such document except that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has directly or indirectly a pecuniary interest.

(2) Nothing in this Standing Order shall preclude the Chief Executive Officer from declining the inspection of a document which is protected by privilege arising from the relationship of attorney and client.

(3) All minutes kept by a committee shall, as soon as the committee has concluded action on the matter to which the minutes relate be open for the inspection of any member of the Council during office hours.

Custody of
seal

43. The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Executive Officer.

Sealing of
documents

44. (1) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorized by a resolution of the Council or a committee to which the Council has delegated its powers in such behalf but in the resolution or direction of the Council or a committee with appropriate powers, authorizing the purchase, sale letting or taking of any property, the presentation of any petitions memorial or address, or any other matter or thing, shall be sufficient authority to give effect to such resolution.

(2) The Seal shall be attested by—

- (a) the Chairman, Vice-Chairman or other members of the Council; and
- (b) the Chief Executive Officer of the Council,

unless the Council otherwise directs.

45. (1) The number of representatives of the Council whether consisting wholly of members of the Corporation or of officials or partly of members of the Council and partly of officials appointed to attend a meeting with Government representatives, shall not exceed four.

Representation of the Council at meetings

(2) The procedure for the election of representatives of the Council shall be in accordance with the election of members of standing committees.

46. The Standing Orders of the Parliament of Trinidad and Tobago shall apply *mutatis mutandis* to the Council where they are not inconsistent with these Standing Orders.

Rules in cases not provided for by standing orders

47. In cases of doubt or difficulty these Standing Orders shall be interpreted by the Minister who may give such directions as he may deem necessary.

Cases of doubt or difficulty

48. (1) Unless the Chairman otherwise directs not less than twelve days' notice of a motion to rescind or amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

Amendment of standing orders

(2) The motion shall be set down for the earliest sitting after the expiration of the notice.

(3) When the motion is reached, the mover shall move the motion and, if seconded, the motion shall be referred forthwith, without any question being put, to the Finance, Planning and Allocation of Resources Committee and no further proceedings shall be taken on any such motion until that committee has reported thereon.

49. (1) Any one or more of these Standing Orders may, with the leave of the Chairman, be suspended on a motion made by a member at any sitting except that no standing order shall be suspended or dispensed with at any meeting except with the consent of two thirds of the members present.

Suspension of standing orders

(2) A motion under this standing order shall be decided without amendment or debate.

(3) If the motion is carried, the standing order shall be suspended as far as necessary to carry out the objects for which the motion was made.

Chap. 3:01
applies

50. The Interpretation Act shall apply for the purpose of construction of these Standing Orders.

SCHEDULE

STATUTORY DECLARATION

(Declaration to be made by person elected to be a member of Municipal Corporation)

I, having been elected *(Mayor, Deputy Mayor, Chairman, Deputy Chairman, alderman or Councillor) for the Municipality of do hereby declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgement and ability and declare that I am qualified as follows:

- †(a) I am entitled to be and I am in fact enrolled as a Burgess of the borough for the year commencing the
- (b) I am a citizen of the Republic of Trinidad and Tobago.

*delete where not applicable
†not applicable to an Alderman

Made by the Penal/Debe Regional Corporation this 29th day of August, 1996.

A. MAHABIR
*Chairman of the Penal/Debe
Regional Corporation*

Approved by the President this 20th day of December, 1996.

A. LEUNG WOO-GABRIEL
Acting Secretary to Cabinet