



**SEANAD ÉIREANN**

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**BUAN-ORDUITHE**

I dTAOBH

**GNÓ PHOIBLÍ**

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**STANDING ORDERS**

RELATIVE TO

**PUBLIC BUSINESS**

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**2016**

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The Standing Orders relative to Public Business were adopted by resolution of Seanad Éireann on the 27<sup>th</sup> April, 1938 and subsequently amended on the following dates, viz., 8<sup>th</sup> May, 1946, 14<sup>th</sup> March, 1951, 2<sup>nd</sup> August, 1961, 19<sup>th</sup> March, 1975, 13<sup>th</sup> November, 1977, 25<sup>th</sup> January, 1978, 10<sup>th</sup> July, 1979, 14<sup>th</sup> July, 1982, 1<sup>st</sup> May, 1985, 11<sup>th</sup> December, 1985, 2<sup>nd</sup> November, 1988, 15<sup>th</sup> December, 1988, 21<sup>st</sup> November, 1990, 14<sup>th</sup> April, 1992, 7<sup>th</sup> July, 1994, 13<sup>th</sup> November, 1996, 19<sup>th</sup> November, 1997, 5<sup>th</sup> and 20<sup>th</sup> February 1998, 12<sup>th</sup> March, 1998, 2<sup>nd</sup> April, 1998, 7<sup>th</sup> May, 1998, 2<sup>nd</sup> July, 1999, 2<sup>nd</sup> February, 2000, 22<sup>nd</sup> May, 2001, 26<sup>th</sup> January, 2002, 21<sup>st</sup> May, 2003, 29<sup>th</sup> January, 2004, 5<sup>th</sup> February, 2004, 2<sup>nd</sup> June, 2004, 16<sup>th</sup> February, 2005, 14<sup>th</sup> February, 2007, 1<sup>st</sup> May, 2007, 14<sup>th</sup> November, 2007, 30<sup>th</sup> June, 2010, 19<sup>th</sup> October, 2010 and 2<sup>nd</sup> December, 2010, 6<sup>th</sup> July, 2011, 23<sup>rd</sup> February, 2012, 20<sup>th</sup> December, 2012, 21<sup>st</sup> January, 2014, 5<sup>th</sup> February, 2014, 16<sup>th</sup> July, 2014, 3<sup>rd</sup> December, 2014, 17<sup>th</sup> December, 2014, 10<sup>th</sup> February, 2015, 11<sup>th</sup> March, 2015, 21<sup>st</sup> January, 2016

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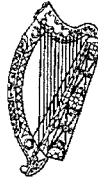
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# SEANAD ÉIREANN

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## STANDING ORDERS

RELATIVE TO

## PUBLIC BUSINESS

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### ROLL OF MEMBERS AND PROCEDURE ON MEETING OF NEW SEANAD

#### **Roll of Members.**

1. (1) There shall be a Roll of Members of Seanad Éireann which shall be signed, in the presence of the Clerk, by every member before taking his seat.

(2) As soon as the results of the polls for elected members at a General Election to the Seanad shall be in the possession of the Clerk and the names of nominated members shall have been communicated to him, he shall notify all members that their attendance is required at a place appointed and on a day (or days) named by him for the purpose of complying with the provisions of paragraph (1) of this Standing Order.

#### **Opening of Proceedings of new Seanad.**

2. At the first meeting of a Seanad subsequent to a General Election for the Seanad and at the hour appointed or as soon thereafter as a quorum is present [*S.O. 19*]: —

- (a) the Chair shall be taken by the member present in the House who has the longest continuous period of service as a member of the Seanad, who is willing to serve as Acting Chairman until such time as a Cathaoirleach has been duly elected and who shall not be the subject of a motion made under Standing Order 4 for that sitting. Such member shall exercise the authority conferred upon the Cathaoirleach by these Standing Orders provided where two or more Senators satisfy the provisions of this paragraph, the selection of the acting Chairman shall be determined by lot by the Clerk at least one hour prior to the sitting;
- (b) the proceedings shall be opened by the Clerk reciting the Prayer [*S.O. 18*]. He

shall then read the Proclamation summoning the Seanad, and next, the names of the members nominated and of the members elected;

- (c) for the purposes of paragraph (a), the expression “determine by lot” means that the names of the candidates concerned having been written on similar slips of paper and the slips having been folded so as to prevent identification and mixed and drawn at random, the Acting Chairman shall be the candidate whose name is on the slip drawn first.

**Results of polls and names of nominated members to be laid before Seanad.**

3. A copy of each of the certificates of the results of the polls for elected members and a copy of the communication from the Taoiseach stating the names of the nominated members shall be laid before the Seanad by the Clerk.

CATHAOIRLEACH AND LEAS-CHATHAOIRLEACH

**Election of Cathaoirleach.**

4. (1) When the Clerk has read the names of the Senators nominated and of the Senators elected, the Seanad shall proceed to the election of a Chairman, who shall be designated and addressed as the Cathaoirleach. Any Senator may move: — “That Senator . . . . . be elected and do now take the Chair of the Seanad as Cathaoirleach”. If any question is to be put under Standing Order 58 to bring the debate to a conclusion the Chair shall be vacated and Standing Orders 58, 59, 60, 61, and 63 shall apply with the substitution of “Clerk” for “Cathaoirleach” therein.

(2) If only one Senator be proposed, the Clerk shall put the question: — “That Senator . . . . . be elected and do now take the Chair of the Seanad as Cathaoirleach” which shall be decided like other questions: Provided that in the event of there being an equality of votes, the question shall be decided in the negative.

(3) If more than one Senator be proposed as Cathaoirleach the Clerk shall, in the order in which the Senators shall have been proposed, put the question: — “That Senator . . . . . be elected and do now take the Chair of the Seanad as Cathaoirleach” which shall be decided like other questions: Provided that in the event of there being an equality of votes, the question shall be decided in the negative.

**Cathaoirleach to take Chair.**

5. The Cathaoirleach shall immediately upon his election take the Chair, but in the case of the absence of the Cathaoirleach-elect the Seanad may, on motion made without notice, elect any Senator to act as Cathaoirleach for the time being. Until such Senator is elected the Clerk shall continue to act as Chairman.

**Election of Leas-Chathaoirleach.**

6. Immediately after the election of the Cathaoirleach, the Seanad shall fix a date for the election of a Deputy Chairman who shall be designated and addressed as the Leas-Chathaoirleach; motions nominating candidates may be made after notice [*S.O. 26*].

**Term of office of Cathaoirleach.**

7. The term of the Cathaoirleach shall be the term of the Seanad existing at the time of his election, but for the purpose of these Standing Orders the Cathaoirleach shall continue in office until his successor is elected. The Seanad may, however, at any time, by resolution of

which seven clear days' notice of motion has been given, remove the Cathaoirleach from office.

**Term of Office of Leas-Chathaoirleach.**

8. The term of the Leas-Chathaoirleach shall be the term of the Seanad existing at the time of his election. The Seanad may, however, at any time, by resolution of which seven clear days' notice of motion has been given, remove the Leas-Chathaoirleach from office.

**Senators who may not act as Cathaoirleach or Leas-Chathaoirleach.**

9. A member of the Government or a Minister of State may not act as Cathaoirleach or Leas-Chathaoirleach.

**Vacancy in office of Cathaoirleach.**

10. When a vacancy has occurred in the office of Cathaoirleach, the Clerk shall report the same to the Seanad at the opening of its next meeting. The Chair shall be taken by the Leas-Chathaoirleach, who shall act as Cathaoirleach until a Cathaoirleach is elected but shall not preside at such election. An order shall be made fixing a date for the election of a Cathaoirleach, which shall take place in the manner hereinbefore provided [*S.O. 4*].

**Absence of Cathaoirleach.**

11. During the absence of the Cathaoirleach through illness or other cause, the Leas-Chathaoirleach shall perform the duties devolving upon and exercise the authority conferred upon the Cathaoirleach by these Standing Orders.

**Absence of the Cathaoirleach and Leas-Chathaoirleach.**

12. If both the Cathaoirleach and the Leas-Chathaoirleach be absent from a meeting of the Seanad, so soon as a quorum is present the Clerk shall so notify the Seanad and, subject to the provisions of Standing Order 4, the Seanad shall at once proceed to elect one of its members to perform the duties devolving upon and exercise the authority conferred upon the Cathaoirleach by these Standing Orders for the period of absence of both. If there be not a quorum present, the Seanad shall stand adjourned until the next sitting day.

**Continued absence of the Cathaoirleach.**

13. If there is a likelihood of a continued absence of the Cathaoirleach, the Seanad may elect another Senator to act as Leas-Chathaoirleach during such continued absence.

**Panel of Chairmen.**

14. As soon as may be following the first meeting of the Seanad after a General Election for the Seanad, the Cathaoirleach shall nominate a panel of not less than three Senators, any one of whom may act as temporary Chairman in the Seanad or in Committee of the whole Seanad when requested so to act by the Cathaoirleach.

**Duties and authority of Leas-Chathaoirleach (or temporary Chairman).**

15. While the Leas-Chathaoirleach (or a temporary Chairman) is in the Chair he shall perform the duties devolved upon, and exercise the authority conferred upon the Cathaoirleach by these Standing Orders save as may be otherwise provided therein [*S.O. 52 and 55*].

### **Leader of the House.**

16. The Leader of the House (Deputy Leader or another Senator authorised by the Government for the purpose of this Standing Order) acting on behalf of the Government in the Seanad, shall propose at 3.30 p.m. on Tuesdays, at 11.30 a.m. on Wednesdays and Thursdays and, on any other day, at the commencement of public business, the business for each sitting day and the order in which it shall be taken. The Leader of the House shall be an *ex officio* member of the Committee on Procedure and Privileges.

## LANGUAGE

### **Proceedings, Order Paper, Journal of Proceedings and Documents — Language.**

17. (1) All proceedings of the Seanad shall be conducted through the medium of the Irish or the English language.

(2) The Order Paper, the Journal of Proceedings of the Seanad and all other appropriate documents shall be issued in the Irish and English languages.

## REFLECTION AND PRAYER

### **Reflection and Prayer at commencement of sitting.**

18. At the commencement of each sitting of the Seanad all Senators present shall stand for 30 seconds of silent reflection and then the following Prayer shall be read by the Clerk in the Irish and English languages: —

“Direct, we beseech Thee, O Lord, our actions by Thy holy inspirations and carry them on by Thy gracious assistance; that every word and work of ours may always begin from Thee, and by Thee be happily ended; through Christ Our Lord, Amen.”.

## QUORUM

### **Quorum required.**

19. (1) The quorum necessary to constitute a meeting of the Seanad shall be six Senators.

(2) The quorum necessary to constitute a meeting of the Seanad to which Standing Order 29 does not apply or for the purpose of considering business other than that comprehended by Standing Order 29 shall be twelve Senators.

(3) The Leader of the House shall not commence making a proposal comprehended by Standing Order 16 unless a quorum of twelve Senators is present.

### **Procedure if no quorum at hour fixed for meeting.**

20. The Cathaoirleach shall take the Chair at the hour appointed for the meeting of the Seanad or as soon thereafter as there shall be a quorum present and at the hour appointed for a proposal under Standing Order 16 or as soon thereafter as there shall be a quorum present, but if, at the expiration of a quarter of an hour after the hour appointed in either case, there is not a quorum, the Cathaoirleach shall then take the Chair and adjourn the Seanad to the next sitting day; and the hour of such adjournment, as also the names of Senators then present, shall be entered in the Journal of the Proceedings of the Seanad.

### **Adjournment in absence of quorum during sitting.**

21. If in the course of a sitting of the Seanad, any Senator calls the attention of the Chair to the fact that a quorum is not present, or if on the report of a division such fact shall appear, the division bell shall be rung for a period of not less than three minutes, and if after an interval of not less than three minutes, a quorum is still not present, the Cathaoirleach shall suspend the sitting to a later hour to be named by him, or shall adjourn the Seanad without question put until the next sitting day; and no decision shall be considered to have been arrived at by any such division; and in the event of an adjournment, the hour of such adjournment, as also the names of the Senators present, shall be entered in the Journal of the Proceedings of the Seanad [*See also S.O. 66*].

## SITTINGS OF THE SEANAD

### **Time and days of sitting. Summoning of Seanad. Suspension of sitting.**

22. (1) Unless the Seanad shall otherwise resolve:

- (a) it shall meet on Tuesdays, Wednesdays and Thursdays; and
- (b) the following provisions shall apply in respect of each week in which it sits:
  - (i) on the first day of sitting it shall meet at 2.30 p.m. provided that where the Seanad stands adjourned *sine die* the Cathaoirleach may summon the meeting for a time other than 2.30 p.m.; and
  - (ii) on any subsequent day of sitting it shall meet at 10.30 a.m.

provided that where the Seanad stands adjourned to a stated day and the representatives of the groups [*S.O. 135*] request that the meeting on such stated day be postponed to a later day and a time specified in the request, the Cathaoirleach shall (a) notify all Senators that such meeting has been so postponed and (b) summon a meeting of the Seanad for the later day specified in such request.

(2) The Cathaoirleach may summon a meeting of the Seanad for an earlier date than that fixed on the adjournment for special reasons to be stated by him in such summons.

(3) (a) In the event of the Seanad adjourning *sine die*, the Cathaoirleach shall summon a meeting of the Seanad (a) whenever, in his opinion, it is necessary, or (b) at the request in writing, for a specific purpose stated in such request, signed by not less than thirty Senators for a day not earlier than the tenth day nor later than the fourteenth day subsequent to the day on which he has received such request (unless he has already summoned or is about to summon a meeting to take place within the period up to the said tenth day).

(b) Senators may require the Cathaoirleach to summon Seanad Éireann in the circumstances outlined in section 4 of the European Communities Acts 1972 to 2009.

(4) In exercising the powers conferred on him by paragraphs (2) and (3) the Cathaoirleach may summon a meeting for a day other than a day specified in paragraph (1).

(5) A motion that a sitting be suspended for a period may at any time be made, by permission of the Cathaoirleach and without notice. Such motion shall fix the period of

suspension.

## ORDER PAPER

### **Preparation of Order Paper.**

23. Every sitting of the Seanad shall be governed by a printed Order Paper, which shall be prepared under the direction of the Cathaoirleach. The business shall be dealt with in order as printed unless the Seanad shall otherwise order.

### **Contents of Order Paper.**

24. The Order Paper shall contain the text of all motions and amendments to be proposed save such as are allowed by these Standing Orders to be proposed without notice.

### **Business undisposed of.**

25. All business, undisposed of at the adjournment of the Seanad shall stand postponed until the next sitting day, unless the Seanad shall otherwise order, and shall be placed on the Order Paper for that day.

### **Notice of motions and amendments.**

26. Motions and amendments, save such as are allowed by these Standing Orders to be proposed without notice, shall be in writing, signed by a Senator as proposer and another Senator as seconder. Motions and amendments may not be moved on a day unless they shall have reached the Clerk not later than 11 a.m. on the fourth preceding day in the case of motions and not later than 11 a.m. on the second preceding day in the case of amendments: Provided that by permission of the Cathaoirleach motions and amendments may be moved on shorter notice [*See also S.O. 36 and 67*].

### **Lapsing of motions.**

27. A motion which is not moved within twelve months from the date on which it was first placed on the Order Paper shall be deemed to have lapsed, but without prejudice to the right of Senators to put down such motion again.

### **Examination of motions.**

28. The Cathaoirleach shall examine every notice of motion to ensure that it shall be as brief as possible and that it shall contain no personal imputation. The Cathaoirleach, or the Clerk under his authority, may amend any such motion after consultation with the Senator responsible therefore.

## ADJOURNMENT AND MATTER OF CONCERN TO MEMBERS

### **Matter for discussion at the commencement of sittings.**

29. (1) (a) Subject to subparagraph (b), when the Prayer has been read at the commencement of each sitting of the Seanad in accordance with Standing Order 18, any Senator may, on Tuesdays, Wednesdays and Thursdays, bring forward for discussion a matter of which he has given notice in writing to the Cathaoirleach not later than 12 noon on the preceding day, not reckoning a Saturday, Sunday or public holiday: Provided that in the absolute discretion of the Cathaoirleach a matter may exceptionally be brought forward at shorter notice.

- (b) Immediately after the Prayer has been read in accordance with Standing Order 18, the Cathaoirleach shall inform the House of notice given in accordance with subparagraph (a) and shall thereupon rule as to the suitability of such matter for discussion. The Cathaoirleach may select four matters ruled suitable and they shall be discussed forthwith. Where no notice has been given or no matter has been ruled suitable the Cathaoirleach shall inform the House of that fact.
- (c) When discussion of matters under this Standing Order has concluded or when the Cathaoirleach has informed the House that no notice has been given or no matter has been ruled suitable, the Seanad, unless it shall otherwise order, shall stand suspended on a Tuesday, Wednesday or Thursday until the hour appointed for a proposal under Standing Order 16.

(2) The matters selected must relate to public affairs connected with a Department of State or to matters of administration for which a member of the Government or Minister of State is officially responsible (including bodies under the aegis of a Department of State in respect of Government policy).

(3) The Senator bringing forward a matter which has been selected for discussion may make a five minute speech and a member of the Government or Minister of State shall be entitled to not more than five minutes for a speech in reply.

**Adjournment on specific and important matter of public interest which has arisen suddenly.**

30. (1) A motion for the adjournment of the Seanad on a specific and important matter of public interest which has arisen suddenly may be made if a Senator, not later than 2.30 p.m. on a day on which the Seanad meets before noon and not later than 4.30 p.m. on a day on which the Seanad meets at or after noon, gives written private notice of the matter to the Cathaoirleach and upon being called upon by the Cathaoirleach not later than one hour subsequent to the time of the notice rises in his place and states that he requests leave to move the adjournment of the Seanad for the purpose of discussing a specific and important matter of public interest which has arisen suddenly whereupon he shall state the matter.

(2) The Cathaoirleach shall thereupon, if he considers the motion to be one contemplated by this Standing Order, desire the Senators who support the request to rise in their places, and if not less than five Senators rise accordingly, exclusive of the Senator who has made the request, the Cathaoirleach shall give leave to make the motion, which shall be moved at such hour on the day on which the request is made as shall be fixed by him. The debate on such motion shall not exceed one hour and a half.

(3) A matter submitted in pursuance of this Standing Order which fails to obtain the requisite support cannot be again brought forward under this Standing Order within the next succeeding six months.

**Two minute statement on matter of concern to members.**

31. (1) Any member may give notice in writing, not later than 10 a.m. on Thursday of a matter he wishes to bring forward for discussion by way of a two minute statement at 12.50 p.m. on that day but the Seanad shall not divide on any matter arising out of such discussion.

(2) The Cathaoirleach may select for discussion up to three matters raised under paragraph (1) of this Standing Order.

(3) The presence of the Leader of the House, Deputy Leader (or another Senator authorised by the Leader of the House for the purpose of this Standing Order) will be required.

## STATEMENTS

### **Statements in the House.**

32. (1) Where a member of the Government or a Minister of State makes a statement in the House on any matter, further statements may be allowed at the discretion of the Cathaoirleach.

(2) At the conclusion of statements allowed, at the discretion of the Cathaoirleach and with the prior agreement of the member of the Government or the Minister of State concerned, questions which are strictly relevant to the statements may be taken for a period not exceeding 30 minutes.

### **Personal Explanations.**

33. (1) The Cathaoirleach shall have discretion to permit any member to make a personal explanation in the Seanad, following notice given in writing by the member concerned to the Cathaoirleach of his or her desire to make such an explanation and of the content of such proposed explanation.

(2) An explanation made under this Standing Order shall be brief, non-argumentative and strictly personal and shall not be such as would cause debate or give rise to further explanations.

(3) No member shall be permitted to ask questions at the conclusion of a personal explanation nor shall any debate arise thereon.

## RULES OF DEBATE

### **Procedure re speaking.**

34. A Senator desiring to speak shall rise in his place. If more than one Senator rise at the same time, the Cathaoirleach shall call upon one of them. Senators shall address the Chair.

### **Precedence of Cathaoirleach.**

35. Whenever the Cathaoirleach rises during a debate, any Senator then speaking, or offering to speak, shall resume his seat.

### **Seconding of motions or amendments.**

36. A motion or amendment other than a Government motion or amendment shall not be debated until it has been seconded, but a seconder may reserve his speech until a later stage of the debate.

### **Motions or amendments not moved lapse.**

37. If a Senator does not move the motion or amendment which stands in his name, such motion or amendment shall lapse unless moved by some other Senator authorised by him.

### **Speaking more than once.**

38. A Senator shall not be entitled to speak more than once upon a motion, except to close a debate on a motion of which he was the proposer.

### **Intervention in debate.**

39. (1) Unless the Seanad shall otherwise order, a member in possession in the course of debate may give way to another member who wishes to query or comment on points made in the course of the first member's speech: Provided that such intervention shall not exceed 30 seconds: and provided further that the Cathaoirleach shall, as a general rule, only allow such interventions in the latter stages of a speech.

(2) Any member who has given prior notice to the Cathaoirleach may, by permission of the Cathaoirleach, intervene to make a 30 second statement to clarify remarks made earlier in the course of his or her speech.

(3) In either of the aforementioned cases, the Cathaoirleach shall have discretion to add the time lost as a result of the interventions to the time available to the member in possession: Provided that, in his or her opinion, such addition shall not unduly affect business and subject to the addition of an overall maximum of ten minutes in a debate to which an allocation of time motion applies.

### **Government amendments to Bills.**

40. Government amendments to Bills shall be proposed from the Chair or moved by a Senator who is a member of the Government.

### **Bills: amendments involving charges.**

41. An amendment to a Bill, which could have the effect of imposing or increasing a charge upon the people or upon the revenue, may not be moved save by way of Government amendment.

### **Relevancy and form of amendments.**

42. Every amendment must be relevant to the motion to which it is proposed, and must be directed to deleting, adding, or substituting words. An amendment which is equivalent to a direct negative may not be moved.

### **Motion or amendment may be withdrawn.**

43. A motion or an amendment may be withdrawn by leave of the Seanad.

### **Debate not allowed after question put.**

44. When the question on a motion or an amendment has been put from the Chair no further debate thereon shall be allowed.

### **Time limits on non-Government motions.**

45. In relation to motions other than Government motions the following provisions shall apply: —

(a) the time allowed for the debate on a motion shall, unless the Seanad otherwise orders, not exceed a period of two hours in the aggregate and at the expiration of this period, if the proceedings on the motion have not previously concluded, the Cathaoirleach shall put forthwith the question or questions necessary to bring them to a conclusion;

(b) the speech of a Senator proposing a motion shall not exceed twelve minutes; the speech of the Minister or Minister of State concerned shall not exceed fifteen minutes and the Senator proposing, or such other Senator who has not already

spoken as he may authorise in that behalf, shall be entitled to five minutes for a speech in reply; the speech of any other Senator in the course of the debate shall not exceed eight minutes.

#### **Re-opening or anticipation of discussion.**

46. A Senator shall not re-open a discussion on a question already decided within the preceding six months, except by the permission of the Cathaoirleach for a personal explanation; nor anticipate the discussion of any subject of which notice has been given: Provided that, in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Cathaoirleach to the probability of the matter anticipated being brought before the Seanad within a reasonable time. This Standing Order shall not apply to Standing, Select or Special Committees.

#### **Debate: matters *sub judice*.**

47. Subject always to the legislative powers of Seanad Éireann (and the guidelines drawn up by the Committee on Procedure and Privileges from time to time), and unless otherwise precluded under Standing Orders, a member shall not be prevented from raising in the Seanad any matter of general public importance, even where court proceedings have been initiated: Provided that: —

(1) the matter raised shall be clearly related to public policy;

(2) a matter may not be raised where it relates to a case where notice has been served, and which is to be heard before a jury or is then being heard before a jury;

(3) a matter shall not be raised in such an overt manner so that it appears to be an attempt by the Seanad to encroach on the functions of the Courts or a Judicial Tribunal;

(4) (i) members may only raise matters in a substantive manner (i.e. by way of motion, motion on the adjournment, etc.) where due notice is required;

(ii) members may not raise a matter by way of question on the Order of Business unless prior notice of not less than 45 minutes has been given to the Chair; and

(5) when permission to raise a matter has been granted, there will continue to be an onus on members to avoid, if at all possible, comment which might in effect prejudice the outcome of proceedings.

#### **Rescinding or amending a Resolution.**

48. A motion to rescind or amend a Resolution other than a Resolution relating to an adjournment of the Seanad or to Standing Orders, can be made only on notice that shall specify the Resolution to be rescinded or amended, and furnish the terms of the motion to be made: but a motion to rescind or amend any such Resolution shall not be allowed to appear on the Order Paper, within six months from the date of its adoption, except with the written assent of not less than twelve members or one-sixth of the membership of a Standing, Select or Special Committee in the case of a Resolution of the Committee.

#### **Irrelevance, repetition, obstruction in debate.**

49. A Senator who persists in irrelevance or repetition in debate, or who, in the opinion of the Cathaoirleach, is speaking for the purpose of obstructing business, may be directed by the Cathaoirleach to discontinue his speech after the attention of the Seanad or of the Committee

has been called to his conduct.

**Maintenance of order in Seanad and Committees.**

50. The Cathaoirleach is the judge of order in the Seanad and in Committee of the whole Seanad and has authority to suppress disorder and to enforce prompt obedience to his or her ruling. In Standing, Select or Special Committees order shall be maintained by the Chairman, but disorder or obstruction in Committees can be censured only in the Seanad on receiving a report in accordance with Standing Order 87(2).

**Disorderly conduct: Senator to withdraw. Naming.**

51. (1) The Cathaoirleach shall order a Senator whose conduct is grossly disorderly to withdraw immediately from the Seanad for the remainder of that day's sitting. If, however, on any occasion the Cathaoirleach deems that the powers conferred under this Standing Order are inadequate to deal with the offence, he may, in accordance with the next succeeding Standing Order, name such Senator for misconduct. A Senator who is ordered to withdraw in pursuance of this Standing Order, or who is suspended in pursuance of the next succeeding Standing Order, shall forthwith withdraw from the precincts of the Seanad. Disorder occurring after a motion for the adjournment of the Seanad has been moved under Standing Order 29 shall be brought to the notice of the Seanad by the Cathaoirleach at its next sitting.

(2) A Senator may be named only when the Cathaoirleach is in the Chair.

**Suspension of a Senator.**

52. (1) Whenever a Senator shall have been named by the Cathaoirleach, then, if the offence has been committed by such Senator in the Seanad the Cathaoirleach shall forthwith put the question on a motion being made — no amendment, adjournment or debate being allowed: "That Senator . . . . . (*naming him*) be suspended from the service of the Seanad". If the offence has been committed in Committee of the whole Seanad, the proceedings shall forthwith be suspended and the circumstances reported to the Seanad and, the Cathaoirleach shall thereupon on motion being made, put the same question without amendment, adjournment or debate as if the offence had been committed in the Seanad.

(2) If a Senator be suspended under this Standing Order, his suspension on the first occasion shall continue for one week, on the second occasion for a fortnight, and on the third or any subsequent occasion for one month: Provided that on receiving from a Senator so suspended a written and approved expression of regret, to be entered in the Journal of the Proceedings of the Seanad, the Cathaoirleach shall lay the same before the Seanad and, on motion made without notice, amendment, adjournment or debate, forthwith put the question for the discharge of the order of suspension, whereupon, if the question passes in the affirmative, the order shall be discharged and the Senator readmitted: Provided further that suspension from the service of the Seanad shall not exempt a Senator so suspended from serving on a Standing, Select or Special Committee of the Seanad to which he may have been appointed previous to his suspension.

**Adjournment or suspension of sitting in case of great disorder.**

53. In the case of great disorder, the Cathaoirleach may adjourn the Seanad to the next sitting day without question put, or suspend the sitting for a time to be named by him.

**Procedure in the case of a motion calling for the removal of a judge for stated misbehaviour or incapacity.**

54. (1) Any motion (hereinafter described as "an Article 35.4.1<sup>o</sup> motion") put on the Order Paper for any day calling for the removal of a judge for stated misbehaviour or

incapacity within the meaning of Article 35.4.1<sup>o</sup> of the Constitution (or, as the case may be, pursuant to section 39 of the Courts of Justice Act 1924 or section 20 of the Courts of Justice (District Court) Act 1946), shall state the matters upon which it is contended by the proposer of the said motion that the Judge who is the subject matter of the motion should be removed for stated misbehaviour or that he or she is incapacitated.

(2) Where such an Article 35.4.1<sup>o</sup> motion is put on the Order Paper for any day, the Seanad may either reject the said motion or, on motion made to adjourn the debate, may by motion appoint a Select Committee to take evidence in respect of the aforesaid Article 35.4.1<sup>o</sup> motion, provided that the Select Committee shall make no findings of fact nor make any recommendations in respect of same or express any opinions in respect of same.

(3) Where the Seanad does not appoint a Select Committee in the manner provided for in paragraph (2) of this Standing Order within five sitting days of any Article 35.4.1<sup>o</sup> motion being placed on the Order Paper, the said Article 35.4.1<sup>o</sup> motion shall lapse.

(4) The motion appointing the Select Committee shall state the terms of reference of the Committee, define the powers devolved upon it and fix the number of members to serve on it.

(5) The Select Committee shall at all times have due regard to the constitutional principles of basic fairness of procedures and the requirements of natural and constitutional justice.

(6) The Select Committee shall take all steps to ensure that an appropriate record is taken of its proceedings.

(7) The proceedings of the Select Committee shall be heard in private save insofar as otherwise directed by the Committee following a request in that behalf by the Judge who is the subject of an Article 35.4.1<sup>o</sup> motion.

(8) Following the completion of its proceedings, the Select Committee shall furnish a report of those proceedings to the Seanad, together with appropriate transcripts and associated audio-visual material. Provided that the Committee shall first send its report to the Clerk of the Seanad, who shall arrange in the first instance for the report to be circulated to the members of the Seanad and to the Judge who is the subject matter of an Article 35.4.1<sup>o</sup> motion. Provided further that the Seanad may subsequently order that the report be published and laid before the Seanad.

(9) Following receipt of the said report, the Seanad may by order make provision for the debate on the said Article 35.4.1<sup>o</sup> motion which shall include:

- due notice of the taking of the debate to be resumed on such part of the Article 35.4.1<sup>o</sup> motion calling for the removal of the Judge in question;
- due observance by each member of the constitutional principles of fair procedures;
- the right of the Judge and his or her legal representatives to be heard prior to any vote on the said Article 35.4.1<sup>o</sup> motion; and

- such special rules of procedure as may be deemed appropriate.

(10) The subject matter of an Article 35.4.1<sup>o</sup> motion shall not be raised in the Seanad save as otherwise provided by this Standing Order.

(11) Save as otherwise provided for in this Standing Order, Standing Orders 70, 71, 73, 75, 76, 77, 80, 81, 86, 93, 130 and 178(1) shall not apply to a Select Committee appointed under this Standing Order. Provided, however, that if the Committee decides following a request in that behalf by the Judge, who is the subject matter of an Article 35.4.1<sup>o</sup> motion, to have its proceedings in public in accordance with paragraph (7) of this Standing Order, Standing Order 130 shall apply.

(12) A Select Committee appointed under this Standing Order shall, with the concurrence of Dáil Éireann, be joined by order of the Seanad with a similar Select Committee of that House appointed to perform its functions in respect of a corresponding Article 35.4.1<sup>o</sup> motion moved in that House in respect of the same Judge. Provided that the Chairman of the Select Committees so joined shall be a member of Dáil Éireann.

#### CLOSURE OF DEBATE

##### **Closure.**

**55.** (1) After a question (except a question already debarred from debate, under the Standing Orders) has been proposed from the Chair either in the Seanad, in a Committee of the whole Seanad, or in a Standing, Select or Special Committee, a Senator may claim to move: — “That the question be now put” and unless it shall appear to the Cathaoirleach (or the Chairman, in the case of a Standing, Select or Special Committee) that such a motion is an infringement of the rights of a minority, or that the question has not been adequately discussed, or that the motion is otherwise an abuse of these Standing Orders, the question: — “That the question be now put” shall be put forthwith, and decided without amendment or debate.

(2) When a motion: “That the question be now put” has been carried and the question consequent thereon has been decided, any further motion may be made (the assent of the Cathaoirleach (or the Chairman, in the case of a Standing, Select or Special Committee), as aforesaid, not having been withheld), which may be requisite to bring to a decision any question already proposed from the Chair, and such motion shall be put forthwith, and decided without amendment or debate.

(3) No Senator may claim to move, “That the question be now put” unless the Cathaoirleach (or the Chairman, in the case of a Standing, Select or Special Committee) is in the Chair.

MINISTER OF STATE, ATTORNEY GENERAL AND MEMBERS OF THE EUROPEAN PARLIAMENT

##### **Minister of State, Attorney General: right of audience.**

**56.** A Minister of State or an Attorney General may attend and be heard in the Seanad.

##### **Members of the European Parliament: right of audience.**

**57.** With the approval of the Committee on Procedure and Privileges and by leave of the Cathaoirleach, a member of the European Parliament for a constituency specified for the time being in the European Parliament Elections Acts, may attend and be heard in the Seanad.

## DIVISIONS

### **Putting of Question. Division may be demanded.**

58. (1) When any question is to be put to the Seanad, or to a Committee of the whole Seanad, the Cathaoirleach shall rise and announce that “The question is that . . . . .”, thereupon reading or stating the question, requiring that as many as are of that opinion shall say “*Tá*”, and as many as are of the contrary opinion shall say “*Níl*”. He shall judge from the answers to his question, and declare the result, in his opinion, of the putting of the question.

(2) After the Cathaoirleach shall have declared the result, in his opinion, of the putting of a question, any Senator may,

- (a) claim a division upon that question, whereupon a division shall, subject to Standing Orders 61 and 62, be taken,

or, where a division is not so claimed

- (b) have recorded, in accordance with Standing Order 59, his dissent from the result so declared.

### **Recording of dissent other than by a division.**

59. Whenever the Cathaoirleach shall have declared the result, in his opinion, of the putting of any question, and a division has not been claimed thereon, any Senator may have his dissent from such declaration recorded by: —

- (a) signing, prior to the putting of the question but on that sitting day, a register maintained by the Cathaoirleach for this purpose;

or

- (b) raising his hand when called upon to do so by the Cathaoirleach;

and the names of the Senators so dissenting shall be recorded in the Journal of the Proceedings of the Seanad: Provided that where the number of Senators dissenting exceeds ten, a division shall be taken subject to Standing Orders 61 and 62 unless, in the opinion of the Cathaoirleach, the division is unwarranted.

### **Division bell rung and time for locking of doors.**

60. (1) When a division is claimed, the Cathaoirleach shall cause the division bell to be rung once for a period of not less than four minutes, and the doors shall be locked so soon after the lapse of a further period of not less than four minutes as he shall direct.

(2) Where —

(a) another division is claimed immediately after the result of an earlier division has been declared; or

(b) the Cathaoirleach orders the Seanad to divide again in accordance with Standing Order 62;

the period for which the division bell is rung and the interval between the ringing of the bell and the locking of the doors shall be not less than two minutes and not less than one minute

respectively.

### **Taking of divisions.**

61. When the doors have been locked and the division lobbies cleared the Cathaoirleach shall order the Seanad or Committee of the whole Seanad to divide and shall nominate two tellers for each side: Provided that the Cathaoirleach may again put the question and declare afresh the result, in his opinion, of the putting of the question, and a division shall take place only if such fresh declaration is challenged: Provided also that the Cathaoirleach may, if in his opinion a division is unnecessary, call upon the Senators who claim the division to rise in their places. If fewer than five Senators so rise he shall forthwith declare the result of the putting of the question and the names of the Senators who so rise shall be recorded in the Journal of the Proceedings of the Seanad.

### **Conduct of divisions by electronic means.**

62. (1) Unless the Seanad shall otherwise order, divisions in the Seanad may be conducted by electronic means save in the case of a division on the election of Cathaoirleach.

(2) Where the Cathaoirleach informs the Seanad at any time that it is not possible to conduct divisions by electronic means or that the result may be unreliable or where, for any other reason, he or she considers that divisions should not be so conducted, the Cathaoirleach may order the Seanad to divide or to divide again, as the case may be, on the question, whether by electronic means or otherwise, as he or she considers appropriate in the circumstances, or may postpone the taking of the division to such later time as he or she shall direct.

(3) On the announcement by the Cathaoirleach of the result of a division which has been taken by electronic means, any member may demand: —

(a) that the division be taken again by electronic means; or

(b) that the division be taken again otherwise than by electronic means;

and the Cathaoirleach shall, unless the member who so demands is a teller nominated for the purposes of that division, call upon the members who support the demand to rise in their places and

- (i) if fewer than five members so rise, the Cathaoirleach shall forthwith declare the determination of the Seanad or Committee of the whole Seanad, and the names of the members who so rise shall be recorded as dissenting in the Journal of the Proceedings of the Seanad,
- (ii) if five or more members so rise or if the member who so demands is a teller nominated for the purposes of that division, the Cathaoirleach shall order the Seanad to divide again on the question in the manner so demanded.

### **Declaration of result of division.**

63. On the completion of the count, the tellers shall sign a division paper which shall be handed to the Cathaoirleach who shall announce the numbers and declare the result of the division. The doors shall then be re-opened.

## COMMITTEES

### **Going into Committee.**

64. The Seanad shall go into Committee whenever it reaches business on the Order Paper which is to be considered in Committee.

### **Quorum of Committee of whole Seanad.**

65. The quorum in Committee of the whole Seanad shall consist of the same number of Senators as shall be requisite to form a quorum of the Seanad in accordance with Standing Order 19(2).

### **Absence of quorum in Committee of whole Seanad.**

66. If during a sitting of a Committee of the whole Seanad, a Senator calls the attention of the Chair to the fact that a quorum is not present, or if on the report of a division such fact shall appear, the division bell shall be rung for a period of not less than three minutes, and if after an interval of not less than three minutes, a quorum is still not present, the Seanad shall resume and a report shall be made that a quorum was not present. The Cathaoirleach shall, at the expiration of not less than three minutes (the division bell having been rung) count the Seanad, and if a quorum is still not present he shall suspend the sitting to a later hour to be named by him, or shall adjourn the Seanad without question put until the next sitting day; and no decision shall be considered to have been arrived at by any such division; and the hour of such adjournment, as also the names of the Senators present, shall be entered in the Journal of the Proceedings of the Seanad; but if a quorum is present the Seanad shall again go into Committee [*see also S.O. 21*].

### **Procedure in Committees.**

67. (1) Save as is in these Standing Orders otherwise provided, the rules as to procedure in the Seanad shall apply to procedure in Committee of the whole Seanad, and in Standing, Select or Special Committees, except that —

- (i) a motion or amendment need not be seconded,
- (ii) a Senator may speak more than once on the same question.

(2) The rules as to procedure in Select and Standing Committees shall apply, as appropriate, to procedure in Joint Committees.

### **First meeting of Standing, Select or Special Committee; postponement or bringing forward of meetings.**

68. (1) The first meeting of a Standing, Select or Special Committee shall be summoned by the Clerk of the Committee unless the Seanad has otherwise ordered.

(2) The Chairman of a Standing, Select or Special Committee may, with the agreement of not less than two-thirds of the members of the Committee—

- (a) summon a meeting of the Committee for a date earlier than that fixed on the adjournment,
- (b) postpone a meeting of the Committee to a date not later than three weeks from that fixed on the adjournment.

### **Motion to report progress.**

69. A motion proposing to report progress may be made in Committee of the whole Seanad: Provided that the Cathaoirleach shall refuse to accept any such motion if he deems it to be dilatory or obstructive [*S.O.* 82].

### **Select Committees: appointment, scope and context of activities.**

70. (1) The Seanad may, on motion made, appoint a Select Committee to consider any Bill or matter and to report its opinion for the information and assistance of the Seanad and, in the case of a Bill, whether or not it has amended the Bill. Such motion shall specifically state the terms of reference of the Committee, define the powers devolved upon it, fix the number of Senators to serve on it, state the quorum thereof, and may appoint a date upon which the Committee shall report back to the Seanad.

(2) It shall be an instruction to each Select Committee that: —

- (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
- (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Seanad.

### **Powers of Select Committees.**

71. Without prejudice to the generality of Standing Order 70, the Seanad may confer any or all of the following powers on a Select Committee: —

(1) power to take oral and written evidence and to print and publish from time to time minutes of such evidence taken in public before the Select Committee together with such related documents as the Select Committee thinks fit;

(2) power to invite and accept written submissions from interested persons or bodies;

(3) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Seanad;

(4) power to draft recommendations for legislative change and for new legislation and to consider and report to the Seanad on such proposals for EU legislation as may be referred to it from time to time by any Committee established by the Seanad (whether acting jointly with the Dáil or otherwise) to consider such proposals and upon which has been conferred the power to refer such proposals to another Select Committee;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss policy for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss proposed primary or secondary legislation (prior to

such legislation being published) for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such proposed legislation;

(7) subject to any constraints otherwise prescribed by law, power to require that principal office holders in bodies in the State which are partly or wholly funded by the State or which are established or appointed by members of the Government or by the Oireachtas shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad;

(8) power to engage, subject to the consent of the Houses of the Oireachtas Commission, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(9) power to undertake travel, subject to —

(a) such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 104(2)(a); and

(b) the consent of the Houses of the Oireachtas Commission and normal accounting procedures.

**Compellability direction (ordinary Committee business).**

72. (1) The provisions of this Standing Order shall apply to a Committee conducting ordinary Committee business (i.e. any business, other than a Part 2 inquiry) which is giving or has given a direction (referred to in this Standing Order as a “compellability direction”) as defined in section 76 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013.

(2) The Committee giving a compellability direction will provide the person who is given that direction with:

(a) reasonable notice of his or her required attendance date; and/or,

(b) a reasonable period for providing evidence or a document, or otherwise complying with the direction.

(3) The Committee giving a compellability direction will inform the person who is given that direction of the broad areas of business that the Committee is or will be conducting to which the direction relates, and the direction shall at all times be relevant to the proceedings of the Committee.

(4) Any person attending before a Committee pursuant to a compellability direction may, having given reasonable notice to the Committee, be accompanied by one other person who may be a legal practitioner.

(5) A Committee which is giving or has given a compellability direction, and following the compliance by a person with a direction, will act with due regard to:

(a) fair procedures;

- (b) the rights of the person given the direction; and
- (c) the rights of any other person affected by the direction.

#### **Joint Meetings of Select Committees.**

73. Each Select Committee shall have power to request of another Select Committee that a joint meeting of both Committees be held to consider a specific matter or matters of common activity and, in the case of any such joint meeting: —

- (a) the Chairman of the requesting Committee shall act as Chairman and, in the unavoidable absence of the Chairman, the provisions of Standing Order 80(2) and (3) shall apply;
- (b) the quorum provisions of both Committees shall apply with the modification that each such quorum shall be halved and then rounded up to the next nearest whole number; and
- (c) the orders of reference of the two Committees shall apply only insofar as they are common to both.

#### **Messages from Select Committee in relation to Bills.**

74. Where a Select Committee shall have completed its consideration of a Bill referred to it by the Seanad, the Committee shall send a Message to this effect to the Seanad. Such Messages shall be in writing, signed by the Clerk to the Committee, and shall be addressed to the Clerk of the Seanad. Messages from Select Committees shall be received by the Clerk of the Seanad. The Cathaoirleach shall, at the first convenient opportunity, communicate any such Message to the Seanad [*See also S.O. 76(2) and 145*].

#### **Reports from Select Committees.**

75. A Select Committee, empowered to send for persons, papers, and records, may report its opinions and observations, together with the minutes of evidence (if any) taken before it, to the Seanad, and may also make a special report of any matters which it may think fit to bring to the notice of the Seanad.

#### **Printing and Publication of Select Committee Reports, Work Programmes and Annual Reports of Select Committees.**

76. (1) Subject to paragraph (2), every report which a Select Committee proposes to make shall, on adoption by the Select Committee, be laid before Seanad Éireann forthwith, together with any document relating thereto which the Select Committee proposes to publish, whereupon the Select Committee shall be empowered to print and publish such report and the said document or documents, as the case may be: Provided that a Select Committee may expressly delegate powers under this paragraph to any of its sub-Committees, in respect of reports generally or in respect of an individual report.

(2) Notwithstanding the generality of paragraph (1), the receipt by the Clerk of the Seanad of a Message, in accordance with Standing Order 74, shall be deemed to be the report of the Select Committee on the Bill [*See also S.O. 145*].

(3) Subject to Standing Order 96, each Select Committee shall review its procedures, and its role generally, on an ongoing basis, and shall report at least once in each year to the Committee on Procedure and Privileges on these matters.

(4) As soon as may be following its appointment and thereafter at annual intervals, each Select Committee shall prepare a work programme and shall lay such programme before Seanad Éireann.

(5) Each Select Committee shall, from time to time as the Select Committee sees fit, lay minutes of its proceedings before Seanad Éireann.

(6) Where: –

(a) Seanad Éireann has appointed a date upon which a Select Committee shall report back to the Seanad and the interval between the appointment of such date and the date for reporting back exceeds one year; or

(b) no date for reporting back has been appointed by Seanad Éireann,

such Select Committee shall, on the anniversary of its appointment in each year following the year of such appointment, make an annual report to Seanad Éireann which shall detail: —

(i) the work carried out by the Select Committee; and

(ii) the work in progress by the Select Committee;

and may include, if the Select Committee deems appropriate, the report on its procedures and its role (in which case, a copy of the annual report shall be forwarded to the Committee on Procedure and Privileges), the work programme and minutes of proceedings referred to in paragraphs (3), (4) and (5) respectively of this Standing Order.

#### **Debating of Reports from Committees.**

77. Where a Standing, Select, Special or Joint Committee, as the case may be, makes a report containing a request that the report be debated by the Seanad, a motion to take note of the report shall, as soon as practicable after the adoption of the report by the Committee, be placed on the Order Paper: Provided that any such motion which is not moved within three months from the date on which it was first placed on the Order Paper shall be deemed to have lapsed.

#### **Responsibility of Chairman for compliance with rules.**

78. The Chairman of every Standing, Select or Special Committee shall have responsibility for ensuring compliance by his or her Committee with such rules governing proposed expenditure as may be determined from time to time by the Houses of the Oireachtas Commission.

#### **Special Committee on Bill.**

79. The order of the Seanad setting up a Special Committee to consider a Bill shall fix the date for the first meeting of the Committee, the number of Senators to serve on it and the quorum thereof and may fix a date upon which the Committee shall report back to the Seanad.

#### **Chairman, vice-Chairman and temporary Chairmen.**

80. (1) Every Committee shall, previous to the commencement of its business, elect one of its members to be Chairman, who shall have only one vote. In the case of Joint Committees, the Chairman may be a member of either House.

(2) As soon as may be following the election of Chairman, every Committee may elect one of its members to be vice-Chairman. In the unavoidable absence of the Chairman, the vice-Chairman shall perform the duties devolved upon, and exercise the authority conferred upon the Chairman by Standing Orders.

(3) Where the Chairman of a Committee (and the vice-Chairman, if appointed) is unavoidably absent, the Committee shall at once proceed to elect one of its members present to perform the duties devolved upon, and exercise the authority conferred upon, the Chairman by Standing Orders for the duration of such absence.

(4) Where the Chairman of a Committee which is conducting a Part 2 inquiry ceases to be a member of that Committee, the Seanad shall, by Resolution, appoint a Chairman from amongst the remaining Committee members.<sup>1</sup>

### **Substitution in, and attendance at Select or Special Committees.**

**81.** (1) In the absence of a member nominated to serve on a Select or Special Committee, a substitute may be nominated to take part in the proceedings in accordance with the following provisions of this paragraph and shall be entitled to vote in the absent member's stead and to move motions and amendments in his or her own name: —

- (a) where the absent member is a member of a Government group or party, that party may nominate a substitute from any Government group or party;
- (b) where the absent member is a member of a non-Government party or group (within the meaning of Standing Order 135), that party or group may nominate a substitute from any non-Government party or group;
- (c) where the absent member is not a member of a party or group (within the meaning of Standing Order 135), that member may nominate another member who is not a member of a party or group.

(2) Members of Seanad Éireann, not being members of a Select Committee, may attend and take part in proceedings of any Select Committee or sub-Committee without having a right to vote or to move motions and amendments.

### **Adjournment of Standing, Select or Special Committee.**

**82.** In considering a Bill, a Standing, Select or Special Committee may at any time adjourn: Provided that the necessary motion to this effect has been carried. Any such motion if deemed by the Chairman to be dilatory or obstructive shall not be accepted [*S.O.* 69].

### **Taking of Divisions in Standing, Select or Special Committee.**

**83.** (1) Divisions in Standing, Select or Special Committees shall be taken by the Clerk attending the Committee calling the names of the members and, in the event of there being an equality of votes, the question shall be decided in the negative.

(2) When a division is demanded in a Select or Special Committee, the doors shall be locked and the division taken after the lapse of eight minutes or as soon as all members of the Committee (or duly nominated substitutes, as the case may be) are present, whichever is the

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<sup>1</sup> See Part 3 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 in relation to Part 2 inquiries and fair procedures.

earlier: Provided that, where a division has been demanded in Select or Special Committee and a division is subsequently demanded in the Seanad before the Clerk attending the Committee has commenced taking the division by calling the names of the members of the Committee, such division in Select or Special Committee shall be postponed until after the conclusion of the division in the Seanad and the conclusion of any other divisions in the Seanad demanded immediately thereafter, unless the Committee shall decide otherwise at the commencement of the meeting.

**Absence for witness evidence.**

**84.** (1) Subject to Standing Order 85, in the event of any member of a Committee which is conducting a Part 2 inquiry (where the inquiry has the power to make findings of fact) being absent for any witness evidence at a meeting of the Committee, a member nominated by the Committee shall table a motion for a Resolution of Seanad Éireann to remove the member from the Committee in accordance with section 20(4) of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 and Standing Order 95 shall not apply.

(2) For the purpose of this Standing Order and Standing Order 85, a witness is any person giving oral evidence to the Committee save for employees of, and any person with technical knowledge or expertise engaged by, the Houses of the Oireachtas Commission.

**Absence for witness evidence due to exceptional circumstances.**

**85.** Where a member of a Committee which is conducting a Part 2 inquiry (where the inquiry has the power to make findings of fact) is or will be absent for any witness evidence at a meeting of the Committee, and the Committee agrees that the absence is due to exceptional circumstances:

(1) it may decide not to proceed with the witness evidence or to postpone the commencement of the witness evidence; or

(2) where the Committee is of the view that it is necessary to proceed with the witness evidence, it may, following the consideration of legal advice, proceed with the meeting where:

(a) the witness consents to having their evidence heard without the member; and

(b) the witness agrees to any other measures that, according to the legal advice given to the Committee, is necessary and/or appropriate,

and the member nominated by the Committee will not table a motion (under Standing Order 84) for a Resolution to remove the member from the Committee.

**Absence of quorum in Standing, Select or Special Committee.**

**86.** (1) If, within the lapse of a quarter of an hour after the time appointed for the meeting of a Standing, Select or Special Committee, a quorum is not present, the Committee shall stand adjourned and the Clerk attending the Committee, after entering the names of the members who attended in the minutes of proceedings of the Committee or recording the names in such manner as the Clerk of the Committee concerned may direct, shall convene a meeting for a subsequent day or for a later time on the same day.

(2) If at any stage during a meeting of a Standing, Select or Special Committee, any member calls the attention of the Chairman to the fact that a quorum is not present, or if on the report of a division, such fact shall appear, and if after a lapse of time of not less than

eight minutes, a quorum is still not present, the Chairman shall suspend the meeting to a later hour to be named by him, or shall adjourn the meeting without question put to a subsequent day; and no decision shall be considered to have been arrived at by such division; and the hour of such adjournment, as also the names of the members present, shall be entered in the minutes of proceedings of the Committee or recorded in such manner as the Clerk to the Committee concerned may direct.

#### **Disorder in Committee.**

87. (1) The Chairman of a Standing, Select or Special Committee shall order—

- (a) a member of the Committee,
- (b) a member of Seanad Éireann attending pursuant to Standing Order 81, or
- (c) a person whose attendance is otherwise authorised by these Standing Orders or by the Committee's orders of reference,

whose conduct is grossly disorderly to withdraw immediately from the meeting of the Committee for the remainder of that meeting. The member or other person ordered to withdraw in pursuance of this Standing Order shall forthwith withdraw from the meeting.

(2) If, on any occasion, the chairman of a Standing, Select or Special Committee deems that the powers conferred under paragraph (1) of this Standing Order are inadequate to deal with the offence, he or she may propose that a report of the Committee be made to the Seanad in relation to the matter.

#### **Adjournment or suspension of meeting of Standing, Select or Special Committee in case of great disorder.**

88. In the case of great disorder, the Chairman of a Standing, Select or Special Committee may adjourn the meeting without question put or may suspend the meeting for a time to be named by him.

#### **Perception of bias – responsibility of member.**

89. (1) If a member is a member of a Committee which is conducting or which is to conduct a Part 2 inquiry, or is appointed to a Committee which is conducting or which is to conduct a Part 2 inquiry, and that member is aware of anything in his or her own behalf which might lead to a perception of bias arising in a reasonable person in relation to that member's participation in that inquiry, then that member shall recuse himself or herself from participating in that inquiry.

(2) A member may apply to the Committee on Procedure and Privileges for an opinion as to whether a perception of bias might arise in a reasonable person in relation to that member's participation in a Part 2 inquiry. The opinion sought shall result in a motion in relation to whether that member shall be a member of the inquiry Committee, in accordance with Standing Order 91(4).

(3) In these Standing Orders, where reference is made to a perception of bias which might arise in a reasonable person, this means a perception of bias which might arise in relation to—

- (a) a member's connection or dealings with any matter the subject of a Part 2 inquiry, where that connection or those dealings might lead to a perception of bias in a

reasonable person;

- (b) a member's utterances on the matter or matters the subject of the inquiry; or
- (c) any other relevant circumstances.

**Removal from inquiry Committee in relation to perception of bias.**

90. Where a member has recused himself or herself from a Part 2 inquiry, on the grounds that a perception of bias might arise in a reasonable person in relation to that member's participation in the inquiry, the Seanad shall resolve, as soon as is practicable, that the member be removed from the inquiry Committee.

**Procedures re. perception of bias.**

91. (1) (a) Any person may make a submission to the Committee on Procedure and Privileges claiming that a perception of bias might arise in a reasonable person in relation to a member appointed to take part in a Part 2 inquiry. Such submission shall be in writing and shall include evidence in support of the claim.

Provided that where the submission does not fulfil these conditions, the Committee on Procedure and Privileges shall inform the person of such, and afford them the opportunity to make the submission in the correct manner.

(b) The Committee on Procedure and Privileges shall, as soon as is practicable, consider the submission under paragraph (a), and give the member in question the opportunity to make a submission to the Committee in defence of his or her position, in such form as the Committee sees fit.

(2) (a) A member who seeks an opinion under Standing Order 89(2) on whether a perception of bias might arise in a reasonable person in relation to that member's participation in a Part 2 inquiry, shall make the request to the Committee on Procedure and Privileges in writing, with a reason or reasons why the opinion is being sought.

(b) The Committee on Procedure and Privileges shall, as soon as is practicable, consider the opinion sought under paragraph (a).

(3) Where the Committee on Procedure and Privileges has considered either a submission under paragraph (1), or an opinion sought under paragraph (2), it shall, as soon as is practicable, and if the member in question has not recused himself or herself from the Part 2 inquiry, make a report in relation to the participation of the member in the Part 2 inquiry, with a recommendation that, on balance—

(a) a perception of bias might arise in a reasonable person in relation to the member, or

(b) a perception of bias might not arise in a reasonable person in relation to the member.

(4) As soon as is practicable after its adoption of a report under paragraph (3), the Committee on Procedure and Privileges shall lay such report before the Seanad, and shall nominate one of its members to table a motion, as soon as is practicable, which—

(a) takes note of the recommendation in the report, and

(b) proposes that either—

- (i) the member in question be confirmed as a member of the inquiry Committee, or
- (ii) the member in question be removed from the inquiry Committee.

(5) The Seanad shall consider the motion under paragraph (4) as soon as is practicable.

#### **Suspension of Committee Meetings.**

92. A motion that a meeting of a Standing, Select or Special Committee be suspended until a later time on the same day may be made, by permission of the Chairman of the Committee, and without notice. Such motion shall fix the time of the resumption of the meeting. Any such motion which is deemed by the Chairman of the Committee to be dilatory or obstructive shall not be accepted.

#### **Private Meetings of Committees.**

93. (1) Subject to paragraph (2) of this Standing Order, visitors and authorised representatives of the Press may be introduced by members of Seanad Éireann to meetings of Standing, Select or Special Committees.

(2) A Standing, Select or Special Committee may at any time, by order, meet in private and all visitors and authorised representatives of the Press shall be excluded for the duration of such order.

#### **Circulation of Documents by Clerk to Committee.**

94. No document received by the Clerk to a Standing or Select Committee or a sub-Committee thereof shall be withheld, withdrawn or altered without the knowledge and approval of the Committee or sub-Committee, as may be appropriate. For the purposes of this Standing Order, the receipt of such documents may, with the consent of the Committee or sub-Committee concerned, be brought to the attention of members by the circulation, from time to time as the Committee or sub-Committee may decide, of a list of such documents.

#### **Committee of Selection.**

95. There shall be appointed at the commencement of every Seanad a committee to be known as the Committee of Selection, which, unless it shall have been otherwise ordered, shall nominate the Senators to serve on Select or Special Committees and which shall have power to discharge members of such Committees from time to time for non-attendance or at their own request, and to appoint others in substitution for those discharged. The Committee of Selection shall consist of eleven Senators including the Leas-Chathaoirleach who shall be *ex officio* Chairman of the Committee. The quorum of the Committee shall be four.

#### **Committee on Procedure and Privileges.**

96. (1) There shall stand established at the commencement of every Seanad a Standing Committee to be known as the Committee on Procedure and Privileges, to: —

- (a) consider matters of procedure generally and to recommend any additions or amendments to these Standing Orders that may be deemed necessary;
- (b) consider and report, as and when requested to do so, as to the privileges attaching to members;
- (c) without prejudice to the generality of paragraph (a), oversee the procedure in

Standing, Select and Special Committees (as the case may be), whether by request from the relevant Committee or otherwise, and to examine, where appropriate, the role of the Committees as they evolve;

(d) receive a relevant proposal from a Committee which proposes to conduct a Part 2 inquiry;

(e) from time to time consider and issue such guidelines as it considers appropriate in relation to—

(i) Part 2 inquiries, and

(ii) other Committee business where a power to send for persons, papers and records has been conferred,

in accordance with sections 19 and 79 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013;

(f) as part of its responsibility for overseeing procedure in Committees, consider matters relating to perception of bias in respect of a Part 2 inquiry, for the purpose of preserving the integrity of the Part 2 inquiry as it is being conducted by the inquiry Committee;

(g) consider and report on matters standing referred to the Committee pursuant to the Protocol on the Provision of Procedural and Legal Advice to Committees of the Houses Established Pursuant to Standing Orders, as adopted by the Committee and the Houses of the Oireachtas Commission;

(h) perform the functions conferred on it by Standing Orders 125 and 126 in relation to giving effect to Article 15.10 of the Constitution in so far as that Article provides for the protection of the official documents of the Seanad and the private papers of its members; and

(i) perform the functions conferred on the Part 10 committee and the Part 11 committee by the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, pursuant to Standing Orders 127 and 128.

(2) The Committee shall have power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by this Standing Order and to delegate any of its powers under this Standing Order to such sub-Committees.

(3) The Committee shall have power to act on behalf of Seanad Éireann and members of Seanad Éireann in relation to any legal proceedings or other public hearing or inquiry.

(4) The Committee shall have power:—

(a) to engage the services of persons with specialist or technical knowledge to assist it or any of its sub-Committees in considering particular matters;

(b) power to travel as defined in Standing Order 71(9) (other than subparagraph (a) thereof);

(c) to print and publish reports and to authorise sub-Committees to report directly to the

Seanad as defined in Standing Order 76(1);

- (d) to give consent in writing to the giving of a direction or directions in relation to persons, papers and records for Committee business, other than Part 2 inquiries.

(5) The Committee shall consist of the Cathaoirleach, who *ex officio* shall be Chairman, the Leas-Chathaoirleach, the Leader of the House and nine other members. In the unavoidable absence of the Cathaoirleach, the Leas-Chathaoirleach may act as Chairman in his stead. The quorum of the Committee shall be five.

#### **Committee on Members' Interests of Seanad Éireann.**

97. (1) There shall stand established at the commencement of every Seanad, a Select Committee of Seanad Éireann which shall be called the Committee on Members' Interests of Seanad Éireann, to perform the functions conferred on it by the Ethics in Public Offices Acts 1995 and 2001.

(2) The Committee which shall be nominated by the Committee of Selection and shall consist of 7 members and the quorum of the Committee shall be 3.

(3) All questions in the Select Committee shall be determined by a majority of votes of the members present and voting and in the event of there being an equality of votes, the question shall be decided in the negative.

(4) In the absence from a particular meeting of the Select Committee of a member another member of Seanad Éireann, nominated by the group/party within the meaning of Standing Order 135 to which the absent member belongs, may take part in the proceedings and vote in his/her stead.

(5) The Committee shall have the power to:—

- (a) engage the services of persons with specialist or technical knowledge as defined in Standing Order 71(8) to assist it in its consideration of any matter comprehended by the provisions of the Ethics in Public Offices Acts 1995 and 2001.
- (b) travel as defined in Standing Order 71(9).

(6) No document received by the Clerk to the Select Committee shall be withheld, withdrawn or altered without the knowledge and approval of the Committee.

#### **Bring forward a petition.**

98. (1) The Seanad shall consider, in accordance with the provisions of this Standing Order and Standing Orders 99, 100 and 101 a petition addressed to it in relation to its legislative powers or an issue of public policy. A petition may be brought in by an individual person, a body corporate or an unincorporated association of persons.

(2) A petition shall clearly indicate—

- (a) the name of the petitioner;
- (b) an address of the petitioner to which all communications concerning the petition should be sent; and

(c) the name and address of any person supporting the petition.

(3) The Seanad Public Petitions Committee (the Committee) shall determine the proper form of petitions.

(4) A petition may be lodged with the Clerk, or sent to the Clerk by e-mail, at any time when the office of the Clerk is open. Petitions may be lodged or sent by the petitioner or by a member on behalf of the petitioner.

**Admissibility of petitions.**

99. (1) A petition is admissible unless it—

- (a) requests the Seanad to do anything other than the Seanad has power to do;
- (b) does not comply with Standing Orders or is otherwise not in proper form;
- (c) is *sub-judice*;
- (d) contains the name or names of individuals;
- (e) contains language which is offensive or defamatory; and
- (f) is the same as, or in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the lifetime of that Seanad and which was closed by agreement of the Committee.

In relation to admissible petitions the following provisions shall also apply:

- (i) a petition from a body corporate must be made under the common seal of the Corporation. Otherwise, it will be viewed as a petition of the individuals who signed it.
- (ii) a petition cannot deal with complaints relating to local or regional matters under the control of the local authorities or matters which are more appropriate to a regulatory public body or body established for the purpose of redress such as the Ombudsman.

(2) The Committee shall consider and decide in a case of dispute whether a petition is admissible and shall notify the petitioner of its decision and of the reasons for that decision.

**Action on a petition.**

100. (1) If a petition is admissible, the Committee shall take such action as it considers appropriate in relation to that petition.

(2) The Committee may—

- (a) refer the petition to any other Joint Committee of the Seanad and Dáil as it considers appropriate;
- (b) report to the whole Seanad; or
- (c) close the petition under Standing Orders.

(3) The Committee shall notify the petitioner of any action taken under paragraph (2).

**Closing petitions.**

**101.** (1) The Committee, or any other Committee to which a petition has been referred, may close a petition at any time.

(2) Where a Committee closes a petition it shall notify the petitioner that the petition is closed and of the reasons for closing it.

**Joint Administration Committee.**

**102.** (1) There shall stand established at the commencement of every Seanad a Standing Committee which shall be joined with a similar Committee of the Dáil to constitute the Joint Administration Committee.

(2) The Committee shall represent the views of members on the provision of services for and by the Houses generally, and may make recommendations thereon to the Houses of the Oireachtas Commission (“the Commission”).

(3) Recommendations of the Committee shall be subject to—

- (a) the sanction of the Commission in relation to the financial implications of such recommendations;
- (b) the regulatory authority of the Commission or the Minister for Finance, as provided by law; and
- (c) the requirement for efficiency and economy in the use of Commission resources and value for money considerations generally.

(4) Without prejudice to the generality of paragraph (2), the Committee may advise, and make recommendations by way of report to, the Commission, on —

- (a) Members’ Services, including:
  - (i) secretarial and other facilities;
  - (ii) library and research services; and
  - (iii) legal advice services (within the meaning of section 4(2)(e) of the Houses of the Oireachtas Commission Acts 2003 and 2006).
- (b) Accommodation and facilities, including:
  - (i) the bars, shop and restaurants;
  - (ii) the conditions or premises in which members carry out their duties; and
  - (iii) security and access.
- (c) Communications Services, including:

- (i) education, media relations and public information services; and
- (ii) broadcasting (in all its forms) of the proceedings of Seanad Éireann and its Committees, including rules of coverage and archive access,

Provided, that in relation to broadcasting, the Committee shall:

- (I) discharge the necessary monitoring arrangements for in-House televising and for sound and televised broadcasting of Seanad Éireann and its Committees;
  - (II) review and modify the rules of coverage for the televising of proceedings of Seanad Éireann and its Committees;
  - (III) determine rules of access in respect of the archive of proceedings of Seanad Éireann and its Committees; and
  - (IV) determine, subject to the consent of the Houses of the Oireachtas Commission, from time to time the fees to be payable in respect of broadcasting of proceedings of Seanad Éireann and its Committees.
- (d) Such other matters as may be referred to the Committee by the Commission from time to time.

(5) Every report which the Joint Committee may make shall be referred to the Commission and its Management Committee, which may prepare a formal response to the recommendations therein.

(6) The Standing Committee shall consist of nine members of Seanad Éireann and shall include the Party/Group Leaders or Whips, where feasible. In the absence of a Senator nominated to serve on the Committee the provisions of Standing Order 81 shall apply. The quorum of the Joint Committee shall be five, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann. The Joint Committee shall include at least one member of the Commission (whether Deputy or Senator). The Chairman of the Joint Committee shall be a member of Dáil Éireann.

(7) The Joint Committee shall have the following powers:

- (a) power to appoint sub-Committees as defined in Standing Order 71(3);
- (b) power to engage consultants as defined in Standing Order 71(8); and
- (c) power to travel as defined in Standing Order 71(9).

(8) The Joint Committee shall have power to nominate persons to assist it in its deliberations; and such persons shall attend such meetings as the Joint Committee may determine.

(9) The Joint Committee shall report to the Commission on its activities on an annual basis, by 31 December each year.

#### **Conditions on Broadcasting of Proceedings.**

**103.** That the broadcasting on sound and vision of the proceedings of the Seanad and its Committees by national, local and foreign broadcasters, and also on the internet via the world

wide web, shall be authorised subject to the following conditions: —

- (a) that recordings or extracts of the proceedings shall not be used in programmes of light entertainment, political satire, party political broadcasts or in any form of advertising or publicity, other than in the form of news and current affairs programme trailers;
- (b) that broadcasters shall ensure political balance in the material they use;
- (c) that, subject to the approval of the Joint Administration Committee or a sub-Committee thereof, broadcasters may be permitted to carry live coverage of any item of business subject to the following provisos:
  - (i) that such item shall not be interrupted by commentary, analysis or commercial breaks; and
  - (ii) that such item may not be re-broadcast in whole or in part except as permitted in and subject to the terms of this Standing Order; and
- (d) that copyright of all audio and televised material shall be vested in the Cathaoirleach on behalf of Seanad Éireann and its Committees.

#### **Working Group of Committee Chairmen.**

**104.** (1) There shall stand established a Working Group of Committee Chairmen consisting of the Chairman of each Standing, Select, Special and Joint Committee, other than the Committee on Procedure and Privileges, to perform the functions set out in this Standing Order.

(2) The Working Group may consider matters affecting services to Committees generally, may liaise and consult on matters of common interest to Committee Chairmen, and shall make recommendations in relation to:

- (a) apportionment of monies available to Committees for consultancy and travel, subject to the consent of the Houses of the Oireachtas Commission;
- (b) allocation of accommodation available for Committee meetings; and
- (c) any other matter which may be referred to the Working Group from time to time:

Provided that no such recommendation shall be made in relation to the exercise by the Committee on Procedure and Privileges of its powers under Standing Order 96.

(3) The Working Group may, subject to the provisions of the Staff of the Houses of the Oireachtas Act 1959 and the consent of the Houses of the Oireachtas Commission, also make recommendations on any matter relevant to the provision of services to Committees falling within its remit.

ROLE OF SEANAD ÉIREANN UNDER ARTICLE 29.4 OF THE CONSTITUTION (TREATY ON EUROPEAN UNION AND TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION: THE LISBON TREATY)

**Transitional arrangements.**

**105.** (1) There shall stand established, at the commencement of every Seanad a Select Committee which shall stand conferred with the powers set out in Standing Orders 107, 108 and 109.

(2) The Seanad shall, not later than the third sitting day following such commencement and on the nomination of the Committee of Selection, appoint six members to the Select Committee established under paragraph (1) of this Standing Order, of whom three shall constitute a quorum, and in so doing, shall —

(a) define the functions to be performed by the Select Committee, and

(b) define the powers, if any, to be devolved upon the Select Committee under Standing Order 71.

**Instructions to certain Select Committees.**

**106.** (1) A Select Committee on which powers have been conferred under Standing Orders 107, 108 or 109 and which has been joined with a Select Committee appointed by Dáil Éireann to form a joint committee may nevertheless decide to act as a Select Committee of the Seanad in respect of a specified matter or matters or for a specified time period for the purpose of exercising the said powers.

(2) It shall be an instruction to a Select Committee on which powers have been conferred under Standing Orders 107, 108 or 109 that it shall not enter into consideration of any matter comprehended by the aforementioned Standing Orders where such matter is already under consideration by another Select Committee.

(3) Each Select Committee on which powers have been conferred under Standing Orders 107, 108 or 109 shall have power to request of another Select Committee of either House on which such powers have been similarly conferred that a joint meeting of both Committees be held to consider a specific matter or matters of common activity and, in the case of any such joint meeting —

(a) the Chairman of the requesting Committee shall act as Chairman and, in the unavoidable absence of the Chairman, the provisions of Standing Order 80(2) and (3) shall apply;

(b) the quorum provisions of both Committees shall apply with the modification that each such quorum shall be halved and then rounded up to the next nearest whole number; and

(c) the orders of reference of the two Committees shall apply only insofar as they are common to both.

**Draft legislative acts: eight week limit to express opinion on infringement of subsidiarity (“yellow and orange card”).**

**107.** (1) In accordance with Article 6 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union (*Protocol on the Application of the*

*Principles of Subsidiarity and Proportionality*) as applied by section 7(3) of the European Union Act 2009, the Seanad may empower a Select Committee to form a reasoned opinion that a draft legislative act (within the meaning of Article 3 of the said Protocol) does not comply with the principle of subsidiarity.

(2) All draft legislative acts forwarded to the Seanad under Article 4 of the said Protocol shall stand referred to a Select Committee empowered under this Standing Order.

(3) It shall be an instruction to a Select Committee empowered under this Standing Order that —

- (a) in forming a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity, the Committee shall consult with such other Committees and such stakeholders as it considers appropriate;
- (b) where the Committee is of the opinion that a draft legislative act does not comply with the principle of subsidiarity, it shall submit a reasoned opinion to this effect by way of a report which shall be laid before the Seanad;
- (c) where a report has been laid by the Committee under paragraph (3)(b) of this Standing Order, the Chairman shall forthwith table a motion thereon under section 7(3) of the European Union Act 2009; and
- (d) where the Seanad agrees the motion referred to in paragraph (3)(c) of this Standing Order, the Cathaoirleach shall cause a copy of the Resolution, together with a copy of the report referred to in paragraph (c), to be sent to the Presidents of the European Parliament, the Council and the Commission.

**Changes in EU decision-making: six month limit to oppose (“red card”).**

108. (1) The Seanad may empower a Select Committee to consider such notifications under—

- (a) the third subparagraph of Article 48.7 of the Treaty on European Union (*general passerelle*: change from unanimity to qualified majority or from special legislative procedure to ordinary legislative procedure) as applied by section 7(1) of the European Union Act 2009, and
- (b) the third subparagraph of Article 81.3 of the Treaty on the Functioning of the European Union (*family law passerelle*: change to ordinary legislative procedure for measures concerning family law with cross-border implications) as applied by section 7(2) of the European Union Act 2009,

as may be referred to the Committee from time to time by the Seanad.

(2) It shall be an instruction to a Select Committee empowered under this Standing Order that —

- (a) in considering such notifications, the Committee shall consult with such other Committees and such stakeholders as it considers appropriate;
- (b) where the Committee is opposed to the decision to which the notification refers, it shall lay a report to this effect before the Seanad;

- (c) where a report has been laid by the Committee under paragraph (2)(b) of this Standing Order, the Chairman shall forthwith table a motion thereon under section 7(1) or 7(2) of the European Union Act 2009, as appropriate; and
- (d) where the Committee is not opposed to the decision to which the notification refers, it shall send a Message to this effect to the Seanad in accordance with the procedure set out in Standing Order 74.

(3) The Cathaoirleach shall cause a copy of all Resolutions made by the Seanad under paragraph (2)(c) of this Standing Order to be sent to the President of the European Council or the Council as appropriate, together with a copy of the Report to which the Resolution refers.

**Legislative acts: infringement of subsidiarity: request for review by EU Court of Justice.**

**109.** (1) In accordance with Article 8 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union (*Protocol on the Application of the Principles of Subsidiarity and Proportionality*) as applied by section 7(4) of the European Union Act 2009, the Seanad may empower a Select Committee to consider whether any act of an institution of the European Union infringes the principle of subsidiarity.

(2) It shall be an instruction to a Select Committee empowered under this Standing Order that —

- (a) in considering whether an act of an institution of the European Union infringes the principle of subsidiarity, the Committee shall consult with such other Committees and such stakeholders as it considers appropriate;
- (b) where the Committee is —
  - (i) of the opinion that an act of an institution of the European Union infringes the principle of subsidiarity; and
  - (ii) wishes that proceedings seeking a review of the act concerned be brought to the Court of Justice of the European Union,

it shall lay a report to this effect before the Seanad; and

- (c) where a report has been laid by the Committee under paragraph (2)(b) of this Standing Order, the Chairman shall forthwith table a motion thereon under section 7(4) of the European Union Act 2009.

(3) The Cathaoirleach shall cause a copy of all Resolutions made by the Seanad in accordance with paragraph (2)(c) of this Standing Order to be sent to the relevant Minister.

PART 2 INQUIRIES

**Part 2 inquiries.**

**110.** (1) The Seanad shall approve the conducting of Part 2 inquiries in accordance with these Standing Orders.

(2) A Committee which proposes to conduct a Part 2 inquiry shall make a relevant proposal in that regard, under Standing Order 111, to a Committee designated by the Seanad under

these Standing Orders to receive such proposals.

(3) The Committee designated to receive relevant proposals shall cause those proposals to be evaluated and shall make a relevant report on those relevant proposals.

(4) The terms of reference for a Part 2 inquiry must be approved by the Seanad, in accordance with Standing Order 114, and no Terms of Reference Resolution shall be passed, or be declined to be passed, by the Seanad, prior to the consideration of the report prepared under paragraph (3).

(5) The publication of final or interim reports<sup>2</sup> of a Committee conducting a Part 2 inquiry shall be approved by the Seanad in accordance with Standing Order 116.

#### **CPP to receive notice of relevant proposal.**

**111.** (1) The Committee on Procedure and Privileges shall be the designated Committee under Standing Order 110(2) to receive notice of a relevant proposal from any Committee which proposes to conduct a Part 2 inquiry.

(2) The Committee on Procedure and Privileges shall from time to time devise and lay before the Seanad rules and procedures relating to evaluation of relevant proposals, including rules and procedures relating to any consultation on and method of assessment of relevant proposals.

(3) For the purposes of these Standing Orders, except where otherwise indicated, “Part 2 inquiry” means an inquiry under Chapter 1 of Part 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013.

(4) For the purposes of these Standing Orders, except where otherwise indicated, interim and final reports in relation to Part 2 inquiries shall mean interim and final reports under sections 33(1) and 34(1) of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013.

#### **Relevant proposal.**

**112.** A relevant proposal under Standing Order 110(2) shall address or contain, insofar as is practicable—

- (a) the type of Part 2 inquiry proposed pursuant to sections 7 to 10, inclusive, of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013;
- (b) the matter or matters the subject of the proposed inquiry, to specify, as far as is practicable, the conduct, events, activities, circumstances, systems, practices or procedures to be inquired into, including—
  - (i) the dates on which, or the periods during which, the conduct or events occurred, the activities were undertaken, the circumstances arose, or the systems, practices or procedures were in operation,
  - (ii) the location or area where the conduct or events occurred, the activities were undertaken, the circumstances arose, or the systems, practices or procedures

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<sup>2</sup> See Part 4 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 in relation to reports of Committees conducting Part 2 inquiries.

were in operation, and

- (iii) the persons to whom that conduct or those events, activities or circumstances relate, or whose activities, systems, practices or procedures are to be inquired into;
- (c) whether the matter or matters relate to a function of the Seanad;
  - (d) the reason the matter or matters ought to be the subject of a Part 2 inquiry, rather than being examined through other forms of parliamentary investigation;
  - (e) in relation to the Committee proposing to conduct the inquiry—
    - (i) the reason that it, further to its existing orders of reference, considers that it ought to conduct the inquiry, or
    - (ii) the changes, if any, to its existing orders of reference, which are, in its opinion, necessary for it to conduct the inquiry;
  - (f) the anticipated time schedule for the proposed inquiry, including whether it is proposed to conduct the proposed inquiry in a single period or in phases;
  - (g) the changes, if any, to statute law, which are, in the opinion of the Committee proposing to conduct the inquiry, necessary to conduct the inquiry;
  - (h) a draft Terms of Reference Resolution, which shall state, *inter alia*, whether the Committee proposing to conduct the inquiry, in conducting it—
    - (i) proposes to make findings of fact, including findings of fact that may impugn the good name of a person (depending on the type of inquiry proposed), or in relation to relevant misbehaviour,
    - (ii) proposes to make recommendations arising from—
      - (I) its findings of fact, or
      - (II) the findings of fact made by another Committee in conducting another Part 2 inquiry if the terms of reference for that other Part 2 inquiry expressly state that its findings of fact may be used in other Part 2 inquiries,
    - (iii) proposes that its findings of fact, if any, may be used by another Committee in conducting another Part 2 inquiry,
    - (iv) has or is to have the power to send for persons, papers or records;
- and
- (i) such other matters in relation to the proposed inquiry as the Committee on Procedure and Privileges considers appropriate.

### **CPP consideration of relevant proposal.**

113. When considering a relevant proposal made pursuant to Standing Orders 110(2) and 112, the Committee on Procedure and Privileges shall consider—

- (a) whether a proposed Part 2 inquiry should be conducted;
  - (b) if it should not be conducted, whether an alternative course of action should be considered;
  - (c) if the inquiry should be conducted—
    - (i) the Committee by which it should be conducted;
    - (ii) the manner, under sections 7 to 10, inclusive, of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013, in which it should be conducted; and
    - (iii) the draft Terms of Reference Resolution for the proposed inquiry;
- and
- (d) such other matters in relation to the proposed inquiry as the Committee on Procedure and Privileges considers appropriate.

### **Relevant report and Terms of Reference Resolution.**

114. (1) The Committee on Procedure and Privileges shall cause to be prepared a relevant report under Standing Order 110(3) on any relevant proposals it receives for a Part 2 inquiry and shall, as soon as is practicable after its adoption of the relevant report, lay the relevant report before the Seanad, and a member nominated by the Committee on Procedure and Privileges shall table a motion to consider the relevant report and the recommendations contained therein.

(2) The relevant report shall make recommendations in relation to the matters contained in Standing Order 113, and may include the draft Terms of Reference Resolution in relation to the relevant proposal, with any amendments thereto which are considered appropriate by the Committee on Procedure and Privileges, for consideration by the Seanad.

(3) The Seanad shall consider the relevant report and the recommendations therein and shall neither pass nor decline to pass a Terms of Reference Resolution under Standing Order 110(4) in relation to the relevant proposal until such consideration has been given.

### **Subsequent inquiry.**

115. If a Committee conducting a Part 2 inquiry wishes to conduct a consequential inquiry not covered by the Terms of Reference Resolution passed by the Seanad, it shall give further notice in writing of an additional relevant proposal to the Committee on Procedure and Privileges, to which additional relevant proposal the provisions of Standing Orders 110 to 114, inclusive, shall apply.

## **Part 2 inquiry reports.**

116. Notwithstanding the generality of Standing Orders 75 and 76<sup>3</sup>, where a Committee conducting a Part 2 inquiry makes an interim or final report, the report shall first be sent to the Clerk of the Seanad, who shall as soon as is practicable arrange for its circulation to members. Where members have been circulated with such a report by the Clerk of the Seanad, the Seanad may, where the report is an interim report, subsequently order that the report be laid before the Seanad and made public, and shall, where the report is a final report, order that the report be laid before the Seanad and made public.

## **Duty of member to uphold integrity of inquiry.**

117. It shall be a general duty of a member to uphold the integrity of a Part 2 inquiry, including maintaining the confidentiality of deliberations and documents relating to the inquiry.

## **Discharge from Committee.**

118. (1) Where a member of a Committee which is conducting a Part 2 inquiry contravenes a direction given to him or her by the Chairman to cease particular questioning, the Committee may agree to report to the Seanad, recommending, notwithstanding anything in Standing Order 95, that the member in question be discharged from the Committee.

(2) Where a Committee which is conducting a Part 2 inquiry considers that one of its members has contravened a requirement of the Inquiries Act applicable to the Part 2 inquiry, and, in the opinion of the Committee, the contravention is a serious contravention, the Committee may agree to report to the Seanad—

- (a) specifying the relevant section of the Inquiries Act containing the requirement which has been contravened, and the evidence relating to the contravention; and
- (b) recommending, notwithstanding anything in Standing Order 95, that the member in question be discharged from the Committee.

(3) In performing its functions under paragraph (2), the Committee shall at all times have due regard to the Constitutional principles of basic fairness of procedures and the requirements of natural and Constitutional justice.

(4) As soon as is practicable after its adoption of a report under paragraph (1) or paragraph (2), the Committee shall lay the report before the Seanad, and a member of the Committee nominated by the Committee shall table a motion, as soon as is practicable, proposing that the Seanad takes note of the recommendation in the report and, notwithstanding anything in Standing Order 95, discharges the member in question from the Committee.

(5) The Seanad shall consider a motion under paragraph (4) as soon as is practicable.

(6) The provisions of Standing Order 116 shall not apply to a report under this Standing Order.

(7) References in this Standing Order to “the Inquiries Act” are references to the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013.

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<sup>3</sup> See Part 4 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 in relation to reports of Committees conducting Part 2 inquiries.

## OFFICE OF CLERK AND RECORDS OF THE SEANAD

### **Journal of Proceedings.**

119. All proceedings of the Seanad, or of the Committee of the whole Seanad, shall be noted by the Clerk, and the minutes of proceedings, after being perused and signed by the Cathaoirleach, shall be printed and shall constitute the Journal of the Proceedings of the Seanad.

### **Custody of records and documents.**

120. The custody of the Journal of the Proceedings, records, and all other documents whatsoever belonging to the Seanad shall be in the Clerk, who shall neither take nor permit to be taken any such Journal of the Proceedings, records or documents from the Chamber or offices without the express leave of the Seanad, except as otherwise provided for in these Standing Orders: Provided that in the event of the Seanad being adjourned for any period longer than a week, such leave may be given by the Cathaoirleach, who shall report the same to the Seanad upon its reassembling.

### **Control over parliamentary staff.**

121. The Clerk shall have the direction of and control over all the officers and joint staff, subject to such orders as he may, from time to time, receive from the Cathaoirleach or the Seanad.

### **Absence of Clerk.**

122. All the duties devolving upon, and all the powers conferred upon, the Clerk by these Standing Orders shall in his absence be performed or exercised by the Clerk-Assistant.

### **Absence of Clerk and Clerk-Assistant.**

123. In the absence of the Clerk and Clerk-Assistant the Cathaoirleach may appoint a member of the joint staff of the Houses of the Oireachtas to be Acting Clerk, and such Acting Clerk shall, for the time being, perform all the duties and exercise all the powers and functions of the Clerk.

## OFFICIAL DOCUMENTS, PRIVATE PAPERS AND CONFIDENTIAL COMMUNICATIONS

### **Official documents and private papers.**

124. (1) Unless the context otherwise requires:

- (a) an “official document” in Standing Order 125 means an official document for the purposes of that Standing Order, and in Standing Order 127 means an official document as defined in section 112(1) of the 2013 Act;
- (b) any reference to Standing Order 125 includes a reference to the Schedule to these Standing Orders;
- (c) a “private paper” in Standing Order 126 means a private paper for the purposes of that Standing Order;
- (d) the “2013 Act” in this Standing Order and in Standing Orders 127 and 128 means the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013; and

(e) in Standing Order 126 “office-holder” means a Minister of the Government, a Minister of State, or a member who is the Attorney-General, and in the schedule to these Standing Orders that term also includes the Taoiseach and the Tánaiste.

(2) The conferral of protection on a document by or by virtue of Standing Order 125 or 126 does not waive or prejudice the entitlement of any person (including the Seanad or any of its Committees) to invoke any other privilege or immunity, for example, legal professional privilege or public interest immunity, that may attach, or may arguably attach, to the document.

(3) In the Schedule to these Standing Orders, an “officer of the Seanad” means the Cathaoirleach, the Leas-Chathaoirleach, any temporary Chairman, the Chairman or vice-Chairman of any Committee of the Seanad, the Clerk, and the Clerk-Assistant, and the clerk of any Committee of the Seanad, and anything done by or to some person on a member’s staff in that person’s capacity as such is to be treated as having been done by or to the member.

(4) A document which is an official document for the purposes of Standing Order 125 or a private paper for the purposes of Standing Order 126, must be treated as confidential, and is required by these Standing Orders to be kept confidential.

(5) In Standing Orders 125 and 126 “document” imports the definition contained in section 2(1) of the 2013 Act, and extends to a copy of the document at any remove.

#### **Official documents and the Constitution.**

**125.** (1) This Standing Order is made for the purposes of giving effect to Article 15.10 of the Constitution in so far as it provides for the protection of the official documents of the Seanad.

(2) For the purpose of this Standing Order, official documents are all documents in the custody of, or belonging to, the Seanad or a Committee of the Seanad, or over which the Seanad or Committee exercises control, and which:

- (a) are or have been prepared for the purposes of, or purposes incidental to, transacting any business of the Seanad or of such a Committee,
- (b) are or have been created by or pursuant to these Standing Orders, or to an order or direction of the Seanad or of such a Committee,
- (c) are or have been given in evidence to the Seanad or to such a Committee, or
- (d) are or have been presented or submitted to the Seanad or to such a Committee:

unless the document has been, or is presently to be, laid before the Seanad or has been, or is presently to be, otherwise lawfully placed in the public domain.

(3) (a) The categories of documents in the Schedule to these Standing Orders are, subject to subparagraph (d) of this paragraph, to be treated as falling within the scope of paragraph (2)(a) or (2)(b).

(b) The Committee on Procedure and Privileges may, subject to this Standing Order, designate other categories of documents that are to be treated as falling within paragraph (2)(a) or (2)(b), and may at any time vary or revoke that designation.

- (c) Any designation, variation, or revocation referred to in subparagraph (b) of this paragraph must be published as soon as practicable after it is made.
- (d) Documents proffered to the clerk of a Committee of the Seanad but which the Committee declines to receive, and documents given to such a Committee but which have ceased by decision of the Committee in accordance with statute to be documents of that Committee, are not, and are to be treated as never having been, official documents, unless they qualify on some other ground.

(4) The Clerk must not afford access to, or allow disclosure of, an official document unless, and to the extent that, that access or disclosure is provided for in or under paragraph (5) or (6) or otherwise in or under these Standing Orders.

(5) (a) At any time, access to a specified official document, or specified official documents, may be afforded, or disclosure of it or them allowed, whether generally or for a specific purpose, and whether unconditionally or on terms:

- (i) by Resolution of the Seanad; or
- (ii) by the Committee on Procedure and Privileges on behalf of the Seanad.

(b) Should the Seanad be adjourned for any period longer than a week, the function exercisable by the Committee on Procedure and Privileges or the Seanad under subparagraph (a) may be exercised by the Cathaoirleach who must report his or her having done so to the Seanad once it reassembles.

(c) The Committee on Procedure and Privileges, the Seanad, or the Cathaoirleach must, in exercising their powers under subparagraphs (a) or (b), have regard to:

- (i) the extent to which the document or documents relates or relate to a matter of public importance or public interest;
- (ii) the rights and interests of any person affected; and
- (iii) any other relevant circumstances.

(6) (a) The grant of access to, or the disclosure of, an official document afforded by or on behalf of the Seanad or a Committee of the Seanad, to the Houses of the Oireachtas Commission or its staff, for the purpose of enabling either that Commission or the Houses of the Oireachtas Service to discharge its statutory functions:

- (i) does not require any consent provided for in or under paragraph (5), any leave under Standing Order 120, or any other permission under these Standing Orders however described;
- (ii) does not place the document in the public domain, or otherwise impinge on its confidentiality; and
- (iii) does not deprive the document of its status as an official document.

(b) A member who has possession of, or access to, an official document in accordance with these Standing Orders or by other lawful authority may use, without any consent

provided for in or under paragraph (5) or otherwise in or under these Standing Orders, the official document for the purposes of, or purposes incidental to, transacting any business of the Seanad or of a Committee of the Seanad, once that use is contemplated by these Standing Orders, and even if the document comes into the public domain as a result.

(7) The leave contemplated by Standing Order 120 must not in respect of an official document be granted other than in accordance with this Standing Order.

(8) A member must not, except as provided for in or under paragraph (5) or (6) or otherwise in or under these Standing Orders, disclose in public any official document or the contents of that document. Disclosure by any member, in breach of this paragraph, of an official document or its contents, is *prima facie* an abuse of privilege.

(9) (a) This Standing Order's protection extends to documents in the custody of, or belonging to, both Houses of the Oireachtas or a Joint Committee, or over which both Houses or a Joint Committee exercise control, provided that the terms of this Standing Order affording that protection have a counterpart in the Standing Orders of the Dáil.

(b) The grant of access to, or disclosure of, an official document described in subparagraph (a) may be allowed or afforded where:

- (i) the provision in this Standing Order for affording that access or allowing that disclosure has a counterpart in the Standing Orders of the Dáil; and
- (ii) if consent provided for in or under paragraph (5) or otherwise in or under these Standing Orders is required for that access disclosure, concurring consents are granted by both Houses.

#### **Private papers and the Constitution.**

**126.** (1) This Standing Order is made for the purposes of giving effect to Article 15.10 of the Constitution in so far as it provides for the protection of the private papers of members.

(2) For the purpose of this Standing Order, the private papers of a member are all documents concerning which the member has a reasonable expectation of privacy, and:

(a) which are prepared for the purposes of, or purposes incidental to:

- (i) transacting any business of the Seanad or any Committee of the Seanad; or
- (ii) the member's role as public representative; but

(b) which are not:

- (i) where the member is an office-holder, documents relating to the member's functions as office-holder (whether those documents are held by the member, by the office-holder's Department or Office, by any of his or her special advisers, or by some other person); or
- (ii) lawfully in the public domain.

(3) A reference to a member in this Standing Order includes:

- (a) where the context admits, a former member in his or her capacity as a former member, and
- (b) where the context requires, a deceased member, as well as his or her executors or administrators in their capacity as executors or administrators.

(4) A member is entitled to refuse a request for access to, or disclosure of, any of his or her private papers, and if the request is made in the first instance to the Seanad, to any of its Committees, or to the Clerk, the Clerk must refuse the request and without delay inform the member that it has been made.

(5) A member must not disclose in public the private paper of any other member or the contents of that private paper other than with the express consent of that other member. Disclosure by any member, in breach of this paragraph, of another member's private paper or its contents, is *prima facie* an abuse of privilege.

#### **Official documents and the 2013 Act.**

127. (1) This Standing Order is made to give further effect to Part 11 of the 2013 Act in respect of the official documents of the Seanad.

(2) On the approval of this Standing Order by the Seanad, the Committee on Procedure and Privileges stands appointed as the Part 11 committee provided for in Part 11 of the 2013 Act.

(3) The Part 11 committee may at any time, either of its own motion or on application by any member, give, vary, or revoke a direction pursuant to section 113(1) of the 2013 Act specifying the categories of documents which are to be official documents, and any such direction, variation, or revocation must be published as soon as practicable after it is made.

(4) Where a document is held jointly by the Seanad and the Dáil, that document is not an official document of either House for the purposes of the 2013 Act unless there is in force a direction of the Part 11 committees of both Houses that the category of documents to which the document belongs stands designated as official documents.

- (5) (a) The Part 11 committee may consider an application for access to, or disclosure of, an official document or official documents, and may make a recommendation to the Seanad in respect of that application.
- (b) The Seanad may, subject to subparagraph (c), by Resolution consent fully or in part to such an application, and that Resolution is the consent in writing of the Seanad given in accordance with these Standing Orders as contemplated by section 114(1)(a) of the 2013 Act.
- (c) Access to, or disclosure of, an official document of both Houses requires the concurring consents in writing of both Houses.
- (d) A consent under subparagraph (b) may either be general or for a specific purpose, and may be unconditional or on terms.

### **Private papers, confidential communications and the 2013 Act.**

128. (1) This Standing Order is made to give further effect to Part 10 of the 2013 Act in respect of the private papers and confidential communications of any member.

(2) On the approval of this Standing Order by the Seanad, the Committee on Procedure and Privileges stands appointed as the Part 10 committee provided for in Part 10 of the 2013 Act.

(3) The Part 10 committee may prepare guidelines and protocols as contemplated by section 108 of the 2013 Act and recommend their adoption by the Seanad.

## OFFICIAL REPORT OF DEBATES

### **Issue of Official Report of Debates.**

129. (1) An Official Report of the Debates of the Seanad for each sitting shall be issued under the supervision of the Cathaoirleach.

(2) A copy of such Official Report, as well as of every other publication of the Seanad, shall be made available for every Senator.

(3) A revised edition of the Official Report of the Debates shall be prepared in bound volumes at such periods as the Cathaoirleach shall determine.

## VISITORS AND REPRESENTATIVES OF THE PRESS

### **Visitors and Press.**

130. Visitors may be introduced by members to such places as may be reserved for them by the Cathaoirleach, and upon such conditions as he may prescribe. Authorised representatives of the Press may be present at sittings of the Seanad, or of a Committee of the whole Seanad.

### **Exclusion of visitors and Press in case of special emergency.**

131. In case of special emergency, any Senator may move, without notice, that all visitors and Press representatives be excluded from the Chamber, and if such motion receive the assent prescribed by the Constitution, all visitors and Press representatives shall be excluded by direction of the Cathaoirleach.

## RESOLUTIONS, ORDERS AND BILLS

### **Form of matters brought before Seanad.**

132. (1) Any matter for decision by the Seanad shall be brought before it by motion for a Resolution or Order, or by the introduction of a Bill.

(2) The matters which may be dealt with by Resolution shall include Standing Orders, adjournments of the Seanad, election or removal of the Cathaoirleach or the Leas-Chathaoirleach, expressions of condolence, censure, thanks and opinion, and any other matter which, by law, the Seanad may decide by Resolution. A vote of condolence may be moved, without notice, by the Leader of the House or a Senator acting for him [*S.O. 133*].

(3) The matters which may be dealt with by Order shall include the suspension of Senators, the appointment of Committees, the printing of Bills and documents, and questions of procedure generally.

(4) The matters which shall be dealt with by Bills shall include all proposals for legislation.

## EXPRESSIONS OF SYMPATHY

### **Expressions of Sympathy.**

133. At a sitting of the Seanad following the death of a member, a former member, a member of the Dáil, a Head of State, Prime Minister or other person of similar status, expressions of sympathy may be heard in accordance with the arrangements agreed to on the proposal of the Leader of the House.

## STAGES OF BILLS

### *First Stage*

#### **Initiation of Bills by introduction.**

134. When a Bill is to be initiated by introduction in the Seanad a copy thereof, authorised by the signatures of not less than three Senators as proposers, shall be delivered to the Clerk, and its title and a short description of its purpose, prepared by the proposers and accepted by the Cathaoirleach, shall appear on the Order Paper. The Senator whose name shall appear as first signatory on the said copy shall be deemed to be the Senator having charge of the Bill and shall move for leave to introduce the Bill. If such motion be opposed, the Cathaoirleach, after permitting an explanatory statement from the Senator who moves, and a statement from a Senator who opposes the motion may, if he thinks fit, put the question thereon. If leave to introduce the Bill be given, an Order shall be made for its second stage and subject to Standing Order 135 the Bill shall be printed: Provided that in the case of a Government Bill, such initiation shall be exercisable by the Leader of the House (or another Senator authorised by the Government for the purpose of this Standing Order) who shall be deemed to be in charge of the Bill for that purpose.

#### **Initiation of Bills by presentation. Definition of “group”.**

135. (1) The Leader of the House (or another Senator authorised by the Government for the purpose of this Standing Order), or a Senator nominated under paragraph (3) of this Standing Order, may present a Bill without obtaining leave of the Seanad.

(2) Presentation of a Bill shall be effected by the delivery to the Clerk of a copy of the Bill signed by the proposer and subject to S.O. 136 the Bill shall then be printed. The title of the Bill and a short description of its purpose, prepared by the proposer and accepted by the Cathaoirleach, shall appear on the Order Paper and an Order for its second reading shall be made.

(3) Each group shall have the right to nominate a Senator of the group to present a Bill provided that there is not before the Seanad three Bills presented by Senators nominated by that group.

(4) A group shall be a group so recognised by the Cathaoirleach and consisting of not less than five Senators.

#### **Printing of Government Bills.**

136. A Government Bill shall be printed only if accompanied by a printed Explanatory and Financial Memorandum explaining the provisions of the Bill in a readily intelligible manner, setting out the existing law and the changes therein proposed and providing information (unless the memorandum indicates that the provision of the information is not practicable in the time available or is contrary to the public interest) under the following headings:

- (a) estimated exchequer cost as follows: —
  - (i) The current year cost;
  - (ii) The next year costs;
  - (iii) The full year cost;
  - (iv) The number of years before full cost is reached; and
- (b) the estimated staffing implications for Departments of State, State Bodies and Local Authorities:

provided that this paragraph shall not apply in the case of Bills comprehended by Standing Order 160 (1).

#### **Bills initiated in Dáil.**

137. (1) A Bill which has been initiated in and passed by the Dáil and sent to the Seanad shall be deemed to have passed its First Stage in the Seanad and shall be put down for Second Stage upon the Order Paper next prepared after its receipt from the Dáil, but, save in the case of a certified Money Bill, and a Bill the time for the consideration of which by the Seanad shall have been abridged under Article 24 of the Constitution, shall not be considered, unless the Seanad otherwise orders, before the expiration of three clear days after it has been received from the Dáil by the Clerk.

(2) If no meeting of the Seanad shall have been arranged to be held within eight days of the receipt of a certified Money Bill or of a Bill the time for the consideration of which by the Seanad shall have been abridged under Article 24 of the Constitution, the Cathaoirleach shall forthwith summon the Seanad to meet within such eight days.

#### **Bills initiated in Seanad and amended in Dáil.**

138. (1) A Bill which has been initiated in the Seanad and amended by the Dáil shall, after its receipt back from the Dáil, be deemed to have passed its First, Second and Third Stages in the Seanad and shall be placed on the Order Paper for its Fourth Stage.

(2) On the question “That the Bill be received for final consideration” the Chair may allow a member to contribute once on the subject matter of each grouping of amendments made by the Dáil. Such grouping shall be at the sole discretion of the Chair.

## *Second Stage*

### **Procedure on Second Stage.**

139. (1) When the question: — “That the Bill be now read a second time” has been proposed from the Chair, the Cathaoirleach shall call upon the member of the Government, Minister of State or Senator in charge of the Bill to open the debate, which shall be confined to the general principle of the Bill. The member of the Government, Minister of State or Senator in charge of the Bill shall be afforded an opportunity of closing the debate before the question is put from the Chair.

(2) Amendments may be made to the motion: — “That the Bill be now read a second time”

(i) by omitting the word “now” and adding at the end of the motion the words “this day three months” or “this day six months” or some other date;

(ii) by deleting all or some of the words after “That” and substituting words which state some special reason against the second reading of the Bill.

## *Third (Committee) Stage*

### **Order for Committee.**

140. (1) When a Bill has been read a second time, it may be ordered to be considered in Committee of the whole Seanad on a day then named, or be referred to some other Committee.

(2) The Seanad may on motion made without notice commit the Bill to a Committee of the whole Seanad in respect of some of its provisions and to a Special Committee in respect of other provisions. If such a motion be opposed the Cathaoirleach, after permitting an explanatory statement from the mover of the motion and from a Senator who opposes the motion, may, if he thinks fit, put the question thereon.

### **Notice and arrangement of amendments in Committee.**

141. When a Bill is to be considered in Committee, proposed amendments shall be notified in due time [S.O. 26] and shall be arranged in proper order.

### **Consideration of Bill section by section. Power to amend.**

142. In Committee, a Bill shall be considered section by section. It shall be in order, however, before consideration of a section or sections is entered upon, to move the postponement of the section or sections until another section, other sections or schedules have been disposed of. Any section of a Bill may be amended in Committee and new sections may be inserted.

### **New section. Disposal of amendments. Preamble and title.**

143. (1) In Committee an amendment to insert a new section in a Bill may be moved when the number of the section before which it is proposed to insert the new section is called by the Chair, and the question on such amendment shall be first decided.

(2) When the amendments (if any) offered to a section have been disposed of, the question shall be proposed, “That such section (or such section as amended) stand part of the Bill”,

or, as appropriate, “That such section be deleted from the Bill”.

(3) The consideration of the preamble (if any) and the title of a Bill shall be deferred until the sections and schedules (if any) have been considered.

**Restriction on amendments. Amendment of title, if required.**

144. It shall be an instruction to all Committees to which Bills may be committed that they have power to make such amendments therein as they shall think fit, provided such amendments be relevant to the subject matter of the Bill; but that, if any such amendments shall not be within the title of the Bill, they shall amend the title accordingly and report the same specially to the Seanad: Provided that no amendment shall be proposed which is in conflict with the principle of the Bill as read a second time.

**Printing of Bills by Select or Special Committees and Order for Report.**

145. When the preamble (if any), and the title of a Bill shall have been considered in Committee of the whole Seanad or in Select or Special Committee:

(a) the Bill, if amended, shall be printed; and

(b) an order shall be made by the Seanad for its consideration on Report.

[See also S.O. 74 and 76(2)].

*Fourth (Report) Stage*

**Order for Report. Recommittal.**

146. On the Order being read for the consideration of a Bill on Report, the Seanad shall proceed to consider the same unless a motion is made to recommit the Bill either wholly or in respect of certain sections or amendments: Provided, however, that a motion to recommit may be made at any time during the consideration of a Bill on Report.

**Recommittal opposed.**

147. If a motion to recommit a Bill be opposed, the Cathaoirleach, after permitting an explanatory statement of the reasons for such recommittal from the Senator who moves, and a statement from a Senator who opposes the motion may, if he thinks fit, put the question thereon.

**Bill reported from Select Committee.**

148. A Bill reported from a Select Committee shall be recommitted to a Committee of the whole Seanad.

**Amendments on Report.**

149. In the case of a Bill reported from a Committee of the whole Seanad only such amendments as arise out of proceedings in Committee may be moved on Fourth Stage. Amendments previously rejected in Committee of the whole Seanad shall not be in order.

**Report: amendments creating charges.**

150. On the Fourth Stage, no new section or other amendment may be proposed which creates a charge on the public revenue or upon the people, but the Bill may be recommitted in respect of any such section or amendment.

**Notice and arrangement of amendments on Report.**

151. When a Bill is to be considered on Report, proposed amendments shall be notified in due time [*S.O. 26*] and shall be arranged in proper order.

**Question on Report. Order for Fifth Stage.**

152. When the amendments have been disposed of and the question:— “That the Bill (or the Bill as amended) be received for final consideration” has been affirmed, an Order appointing a day for the Fifth Stage shall be made.

*Fifth Stage***Motion on Fifth Stage: verbal amendments.**

153. (1) On the Order being read for the Fifth Stage of a Bill, other than a certified Money Bill, it shall be moved: — “That the Bill do now pass”. The motion to be made in the case of a certified Money Bill shall be “That the Bill be returned to the Dáil”.

(2) No amendment, not being merely verbal, shall be made to any Bill on the Fifth Stage, but verbal amendments, may be made without notice.

## AMENDMENTS NOT AGREED TO BY THE DÁIL

**Amendments by the Seanad not agreed to by Dáil.**

154. When in the case of a Bill which has been received from the Dáil and amended in the Seanad a Message has been received from the Dáil disagreeing with or amending all or any of the amendments inserted in the Bill by the Seanad, such Message shall be placed on the Order Paper next thereafter prepared. Each such amendment shall be considered and any Senator may move without notice:— “That the Seanad do insist on the amendment” (with or without further amendment), or “That the Seanad do not insist on the amendment” or “That the Seanad do agree to the amendment made by the Dáil to the Seanad amendment”. When all such amendments have been considered, the Clerk shall send a message to the Clerk of the Dáil certifying the determination of the Seanad.

## RECOMMENDATIONS TO CERTIFIED MONEY BILLS

**Recommendations to Money Bills.**

155. Where, in the Standing Orders relating to the stages of Bills the word “amendment” or “amendments” is used, such Orders shall, in the case of certified Money Bills and where the context so permits, be construed as if the word “recommendation” or “recommendations” as the case may be, had been inserted in lieu thereof.

## CORRECTIONS IN BILLS

### **Corrections to Bills by Clerk.**

156. During the progress of a Bill corrections of a verbal or formal nature may at any time be made in the Bill by the Clerk under the direction of the Cathaoirleach.

### **Provision of Revised Explanatory Memorandum in relation to Bills.**

157. Where Bills are to be substantially amended at Committee or Report Stage the Cathaoirleach shall have discretion to direct that the member in charge of the Bill must provide a revised explanatory memorandum to assist members in considering the amendments.

## LAPSED BILLS

### **Restoration of lapsed Bills.**

158. (1) Any Bill which lapses by reason of a general election for the Seanad may be proceeded with after the general election at the stage it had reached prior to the general election upon a Resolution restoring it to the Order Paper.

(2) Unless the Resolution restoring the Bill to the Order Paper directs otherwise, the Bill shall be proceeded with at the commencement of the particular stage which it had reached prior to the general election.

## HYBRID BILLS

### **Hybrid Bills.**

159. A public Bill (not being a Bill to confirm a Provisional Order) affecting private interests in such a way that, if it were a Private Bill, it would under the Standing Orders relative to Private Business require preliminary notices before its introduction, shall be known as a Hybrid Bill and shall be subject to the provisions of the Standing Orders relative to Private Business.

## CONSOLIDATION BILLS

### **Consolidation Bill: definition, introduction, order for Second Stage.**

160. (1) A Bill the purpose of which as expressed in the long title is to consolidate existing Statute Law on a particular subject matter, and is so certified by the Attorney General in a Certificate which shall accompany the Bill on introduction, shall be known as a Consolidation Bill.

(2) The Certificate provided for in the preceding paragraph of this Standing Order shall be printed on the Order Paper on which notice is given of intention to introduce such Bill.

(3) Every Consolidation Bill shall have prefixed to it a Memorandum prepared by the Attorney General in which shall be specified the enactments repealed by the Bill, the sections of the Bill in which the repealed enactments are reproduced, together with the remarks of the Attorney General on any textual amendments made.

(4) If leave to introduce a Consolidation Bill be given, an Order for its Second Stage shall be made for a date not earlier than twenty-eight days after its introduction and the Bill and the Memorandum shall be printed.

#### **Procedure on Second Stage of Consolidation Bill.**

161. (1) On the Second Stage of a Consolidation Bill the only amendment which may be moved to the motion:— “That the Bill be now read a second time” is one proposing the omission of all words after the word “That” in order to substitute words stating a reason or reasons in challenge of the Certificate of the Attorney General.

(2) If on the amendment to the question:— “That the Bill be now read a second time” it is decided that the words proposed to be omitted stand part of the question the Bill shall forthwith be declared to be read a second time.

#### **Consolidation Bill to be referred to Standing Joint Committee.**

162. Every Consolidation Bill after having passed its Second Stage shall, with the concurrence of both Houses, be referred to a Standing Joint Committee consisting of Committees of each House joined together for the purpose of consideration of such Bills [*S.O. 165*]. In the absence of such concurrence the Bill may be referred to a Standing Committee of the Seanad.

#### **Motion to concur with Dáil in referring Consolidation Bill to Standing Joint Committee.**

163. On motion made in the Seanad, in the case of a Consolidation Bill originating in the Dáil, to concur with the Dáil as to the expediency of referring the Bill to the Standing Joint Committee, the only amendment which may be moved is one stating a reason or reasons in challenge of the Certificate of the Attorney General.

#### **Order for committal of Consolidation Bill.**

164. When a Consolidation Bill has been read a second time in the originating House and a Resolution of concurrence in the reference of the Bill to the Standing Joint Committee has been passed by the other House, Orders for the committal of the Bill to the Standing Joint Committee shall be made by both Houses for a date not earlier than fourteen days after the passage of the resolution of concurrence.

#### **Standing Joint Committee on Consolidation Bills.**

165. (1) There shall stand established at the commencement of every Seanad, a Standing Committee which shall be joined with a similar Committee of the Dáil to constitute the Standing Joint Committee on Consolidation Bills. The Standing Committee shall, subject to the provisions of paragraph (3), consist of three members, two of whom shall constitute a quorum. The quorum of the Standing Joint Committee shall be four, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann.

(2) The member of the Government in charge of the Department the statute law of which is dealt with in a Bill which has been referred to the Standing Joint Committee shall be an *ex officio* member of the Standing Joint Committee for the purpose of consideration of the Bill: provided that such member of the Government may nominate another member of the Government or a Minister of State to act in his or her stead for that purpose.

(3) Such number of members, not exceeding three, may be added to the Standing Committee on a Consolidation Bill for the purpose of considering any particular Bill committed to the Standing Joint Committee.

(4) The Standing Joint Committee shall have the following powers: —

- (a) power to send for persons, papers and records as defined in Standing Order 75;
- (b) power to take oral and written evidence as defined in Standing Order 71(1); and
- (c) power to print and publish reports as defined in Standing Order 76(1).

(5) The Standing Joint Committee shall, from time to time as the Standing Joint Committee sees fit, lay minutes of its proceedings before each House.

**Permissible amendments in the Committee.**

166. In the Standing Joint Committee on a Consolidation Bill the only permissible amendments shall be amendments designed to be for the removal of ambiguities and inconsistencies, the substitution of modern for obsolete or inconvenient machinery or the achievement of uniformity of expression or adaptation to existing law and practice. Amendments of the nature of substantive amendment of the Statute Law shall not be in order.

**Messages from Standing Joint Committee on Consolidation Bills. Bill to be set down for Report.**

167. When the preamble (if any) and the title of a Consolidation Bill shall have been considered in the Standing Joint Committee:

- (a) the Standing Joint Committee shall send a Message to each House in the manner provided for in Standing Order 74. Notwithstanding the generality of Standing Order 165(4), the receipt by the Clerk of the Seanad of such a Message shall be deemed to be the report of the Standing Joint Committee on the Bill;
- (b) the Bill, if amended, shall be printed; and
- (c) the Bill shall be set down for Report Stage in the originating House on a date not earlier than twenty-eight days thereafter.

**Amendments on Report Stage of Consolidation Bill; date for Fifth Stage.**

168. On the Report Stage amendments shall be restricted similarly as in the Standing Joint Committee [*S.O. 166*] and the Fifth Stage shall be fixed for a date not earlier than fourteen days thereafter.

**Waiver of Stages of Consolidation Bills.**

169. In the case of a Consolidation Bill originating in the Dáil, the Bill shall on its receipt in the Seanad after being passed by the Dáil be set down for Report Stage, the First, Second and Third Stages being waived.

COMMUNICATION BETWEEN THE SEANAD AND THE DÁIL

*Messages*

**Messages to the Dáil.**

170. Messages from the Seanad to the Dáil shall be in writing, signed by the Clerk and shall be addressed to the Clerk of the Dáil.

**Messages from Dáil, action on.**

171. (1) Messages from the Dáil shall be received by the Clerk. The Cathaoirleach shall at the first convenient opportunity communicate any such Message to the Seanad: Provided that in case of urgency any business in progress upon the receipt of such Message may be interrupted to hear the same.

(2) If a Message from the Dáil requires any action to be taken by the Seanad, it shall be set down on the Order Paper next thereafter prepared and shall be considered accordingly: Provided that in case of urgency the Seanad may give earlier consideration to such Message.

*Bills***Vouching of Bills passed by Seanad.**

172. When a Bill initiated in the Seanad has passed through all its stages in the Seanad, the Clerk shall make, or cause to be made, an exact copy thereof, and shall vouch such copy to be a true and correct copy by certifying the same at the head of the first page and by initialling and numbering each succeeding page. The signed certificate of the Clerk shall state the date of the passing of the Bill by the Seanad and the date of its transmission to the Dáil.

**Transmission of Bills to Dáil.**

173. Such true copy of a Bill passed as aforesaid and duly certified in the manner hereinbefore provided, together with a Message referring to such Bill, shall be transmitted to the Dáil. The Message shall state that the Seanad desires the agreement of the Dáil to the passing of the Bill into law.

**Return of Bills to Dáil.**

174. (1) When a certified Money Bill received from the Dáil has completed its Fifth Stage in the Seanad, the Clerk shall return the Bill to the Clerk of the Dáil, certifying that the Bill has been accepted by the Seanad with or without recommendations and accompanied by a Message to that effect and specifying the recommendations, if any, made by the Seanad.

(2) When a Bill other than a certified Money Bill has been received from the Dáil and has been passed by the Seanad with or without amendments, the Clerk shall return the Bill to the Clerk of the Dáil, certifying that the Bill has been passed by the Seanad with or without amendments and accompanied by a Message to that effect and specifying the amendments, if any, made by the Seanad.

(3) When a Bill, received from the Dáil, has been rejected by the Seanad, the Clerk shall return the Bill to the Clerk of the Dáil certifying that the Bill has been rejected by the Seanad and accompanied by a message to that effect.

**EARLIER SIGNATURE OF BILLS****Motion of concurrence with earlier signature of Bill by President.**

175. A motion of concurrence by the Seanad with the earlier signature of a Bill by the President under subsection 2<sup>o</sup> of section 2 of Article 25 of the Constitution may be moved without notice.

## RESIGNATION OF SENATORS

### **Resignation of Senator.**

176. Any member of the Seanad may voluntarily resign his membership thereof by notice in writing to the Cathaoirleach, and such resignation shall take effect immediately upon the announcement thereof to the Seanad by the Cathaoirleach.

## CASUAL VACANCIES

### **Casual vacancies.**

177. (1) Whenever a casual vacancy occurs in the membership of the Seanad, the Cathaoirleach shall at the first meeting thereafter announce the occurrence of such vacancy to the Seanad.

(2) When the vacancy occurs in the number of nominated members of the Seanad, the Cathaoirleach shall send to the Taoiseach notice in writing of such vacancy.

(3) When the vacancy occurs among the members elected to the Seanad the Clerk shall, on the direction of the Seanad, send notice in writing of such vacancy to the Minister for the Environment.

(4) The Clerk shall notify a newly-nominated or a newly-elected Senator that his attendance is required at a place appointed, and on a day or days named by him, for the purpose of complying with the provisions of paragraph (1) of Standing Order 1.

(5) The name of a member nominated or elected to fill a casual vacancy shall be announced by the Cathaoirleach at the next ensuing meeting of the Seanad.

## DOCUMENTS LAID BEFORE THE SEANAD

### **Method of laying documents before the Seanad.**

178. (1) Where a document is required to be laid before the Seanad the delivery of a copy of the document, which may be an electronic copy in an approved format, to the Parliamentary Library for that purpose shall be deemed to be the laying of it before the Seanad.

(2) All documents laid before the Seanad shall be considered public.

## SUSPENSION OF STANDING ORDERS

### **Suspension of Standing Orders.**

179. (1) Any Standing Order or Orders of the Seanad may be suspended for the day's sitting, and for a particular purpose, upon motion made after notice.

(2) Provided that in cases of necessity, of which the Cathaoirleach shall be the judge, any Standing Order or Orders may be suspended upon motion made without notice. If such motion be opposed the Cathaoirleach shall permit an explanatory statement from the member who moves it and a statement from a member who opposes it before he puts the question thereon.

## DURATION OF STANDING ORDERS

### **Duration of these Standing Orders.**

**180.** The foregoing Standing Orders shall continue in force until amended or repealed.

# SCHEDULE

CATEGORIES OF DOCUMENT DESIGNATED BY THESE STANDING ORDERS FOR THE PURPOSES OF  
STANDING ORDER 125(2)(A) AND (B):

- (a) Imeachtaí Sheanad Éireann (“clerk sheets”).
- (b) Briefings regarding legislation or other proceedings before the Seanad.
- (c) Working papers of the Seanad or any of its Committees.
- (d) The following documents in respect of Seanad Committee meetings:
  - (i) agendas,
  - (ii) briefings,
  - (iii) minutes, and
  - (iv) transcripts.
- (e) Research papers prepared by the Library and Research Service, or any replacement for that facility, at the instance of the Seanad or a Committee of the Seanad.
- (f) Advices to members from officers of the Seanad or members of the joint staff.
- (g) Opinions, advice, recommendations, or the results of consultations, considered by the Seanad or a Committee of the Seanad, or prepared for that consideration.
- (h) Documents constituting or evidencing communications between members and officers of the Seanad, or communications between officers of the Seanad.
- (i) Documents constituting or evidencing communications between officers of the Seanad or members of the joint staff, on the one hand, and any office-holder or his or her Department or Office, and any officers, staff, or agencies of the Government, on the other, in direct relation to any of the business referred to in Standing Order 125(2)(a).
- (j) Documents constituting or evidencing communications from a Committee of the Seanad that solicit information for the purposes of Committee business and any response (not being one the Committee has declined to receive, or one the documents constituting which have ceased by decision of the Committee in accordance with statute to be documents of the Committee) forwarded to and accepted by the Committee.
- (k) Documents created in relation to how parliamentary business is regulated between parties or groups as provided for in these Standing Orders including with regard to the appointment of members to a Committee.
- (l) Documents concerning disciplinary issues relevant to the Seanad or its Committees.
- (m) Without limiting the next preceding category, documents constituting or evidencing communications pursuant to statute between an officer of the Seanad or a member of

either House of the Oireachtas, on the one hand, and a Committee of the Seanad, on the other, in relation to the conduct or alleged conduct of a member of the Seanad.

- (n) Drafts not intended for publication of official documents.
- (o) In respect of a document falling outside Standing Order 125(2) solely because it is in the public domain or has been laid before the Seanad or is presently to be published or so laid, drafts not intended for publication or not intended to be so laid.
- (p) Documents relating to an assent referred to in Article 15.8.2° of the Constitution and to any sitting of the Seanad pursuant to that assent.