

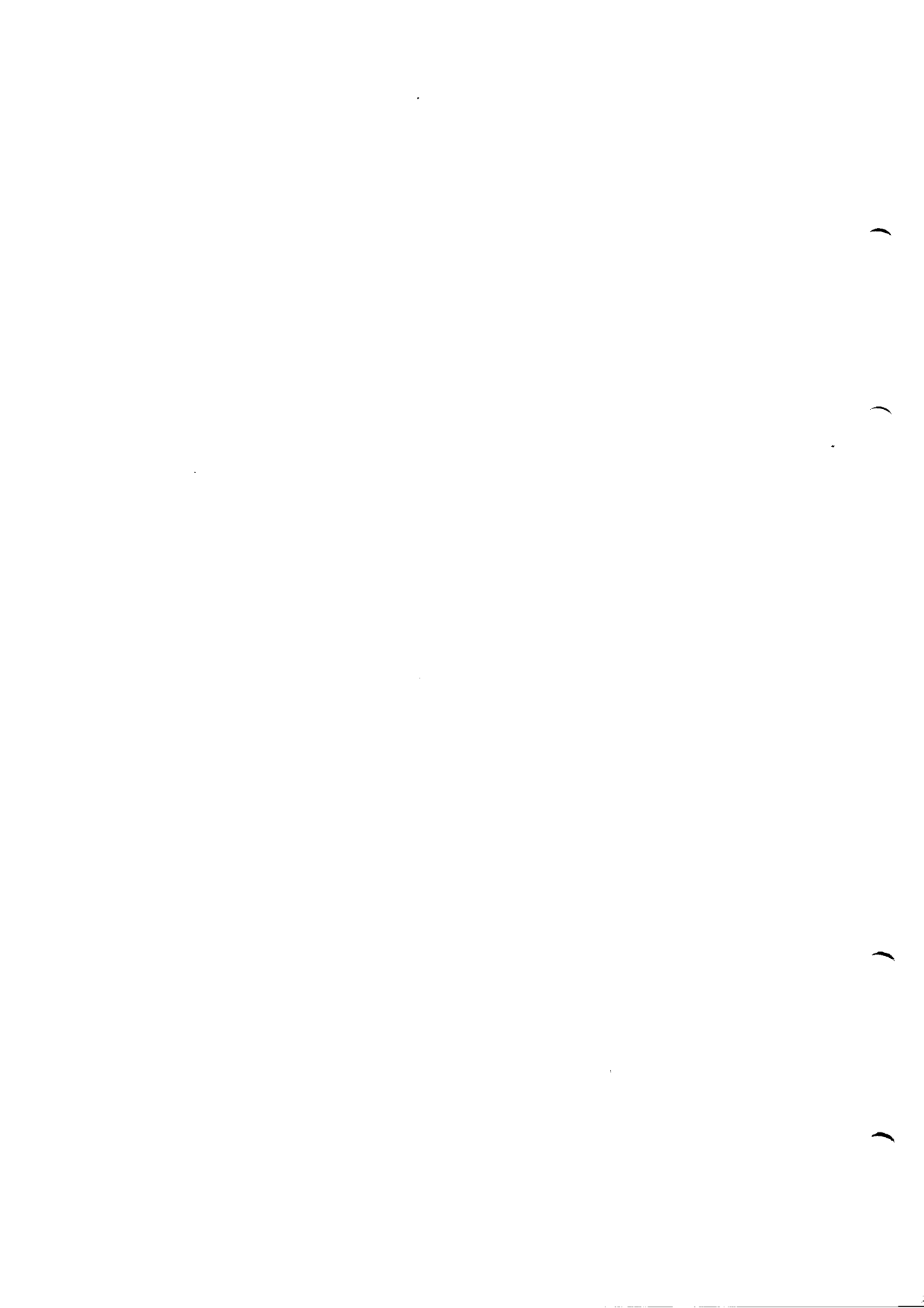
**CONSTITUTION OF BRUNEI DARUSSALAM**  
**(CONST. I)**  
**STANDING ORDERS OF THE LEGISLATIVE COUNCIL**

**S 104/59**

Amended by  
S 81/66  
S 20/05

**REVISED EDITION 2005**

*B.L.R.O. 1/2005*



**SUBSIDIARY LEGISLATION**

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**SUBSIDIARY LEGISLATION**

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**STANDING ORDERS OF THE LEGISLATIVE COUNCIL**

*Commencement: 29th September 1959*

**Interpretation.**

**1. In these Standing Orders —**

“Clerk” means the Clerk to the Legislative Council;

“Constitution” means the Constitution of Brunei Darussalam;

“Council” means the Legislative Council established by Article 23 of the Constitution;

“printed” includes reproduction by rota-print, or cyclostyle or by the use of a typewriter;

“Speaker”, prior to the appointment of a Speaker, or if there is no subsisting appointment of a Speaker, means the Prime Minister and, in either case, includes a Member presiding in accordance with the provisions of Article 38 of the Constitution.

**Meetings and sittings.**

**2. (1) During any session of the Council held pursuant to Article 52 of the Constitution, meetings and sittings of the Council may be held:**

Provided that no meeting of the Council not already fixed or agreed by the Council shall be held unless the Clerk shall, by direction of the Speaker, have given to each Member at least 7 days notice in writing of the date of such meeting or sitting.

(2) Should it become inconvenient to hold a meeting or sitting on the day appointed therefor, the Speaker may postpone the meeting or sitting to another convenient day; and thereupon the Clerk shall give to each Member at least 2 days notice in writing of such postponed meeting or sitting, if it is reasonably practicable to do so.

(3) No Member shall absent himself from a sitting of the Council without communicating to the Clerk his inability to attend.

**Orders of the day.**

**3. The business to be dealt with at any meeting of the Council shall be settled by the Clerk.**

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**Order of business.**

4. (1) Whenever possible, notice of the business to be dealt with, and a copy of the minutes of the preceding meeting, shall be delivered to each Member so that not less than 4 days shall elapse between the delivery of such notice and the day of the meeting of the Council.

(2) The Order of Business at any meeting shall be —

- (a) Prayers;
- (b) Oaths;
- (c) Corrections to minutes;
- (d) Messages from His Majesty the Sultan and Yang Di-Pertuan;
- (e) Communications by the Speaker;
- (f) Presentation of petitions and memorials;
- (g) Personal explanations;
- (h) Papers to be laid;
- (i) Notices of motions (given orally);
- (j) Questions;
- (k) Statements by the Members of the Council of Ministers;
- (l) Motions other than those in relation to the progress of Bills; and
- (m) Bills.

(3) Notwithstanding paragraph (2), the Council may by specific vote determine to proceed to any particular business out of the regular order or postpone such business to any future sitting of the Council, and a motion for such a vote may be made without notice and shall take precedence over all other business.

**Hour of assembly.**

5. (1) Subject to the provisions of Clause (2) of Article 52 of the Constitution, the hours of sitting of the Council shall be fixed by the Speaker after consultation with the Council or any Select Committee thereof authorised in that behalf.

(2) The Speaker may at any time suspend a sitting or adjourn the Council.

**Minutes of proceedings.**

6. (1) The Clerk shall keep a Journal in which shall be entered the minutes of proceedings of the Council and shall circulate a copy of such minutes to every Member on the day following each sitting of the Council, or as soon after as possible.

(2) The minutes of proceedings shall record all decisions of the Council and such other matters as the Speaker may direct, and shall be signed by the Speaker.

(3) Any Member who wishes to draw attention to any matter contained in the minutes of proceedings which he alleges is not correct, may only do so upon a personal explanation at the time provided in paragraph (2) of Standing Order 4. A Member so doing shall confine himself to pointing out the entries in the minutes which he alleges to be incorrect and shall submit the matter to the Speaker, who may take such action as he thinks fit.

**Notice and object of questions and conditions relating thereto.**

7. (1) Except with the express approval of the Speaker, no Member shall ask a question unless he shall have given notice in writing of such question together with the text thereof to the Clerk not less than 7 days before the day appointed for the meeting of the Council at which such question is to be asked.

(2) All such questions shall be entered in order of priority of notice in a book to be called the "Question and Motion Book", which shall be kept by the Clerk, and shall ordinarily be answered in that order.

(3) A Member who desires an oral answer to a question shall mark his notice "Oral reply". If the question is not so marked, the Member answering the question shall submit a written reply through the Clerk.

(4) The proper object of a question is to obtain information on a matter of fact within the special cognizance of the Government and a question must not be made the pretext for a debate.

(5) Without prejudice to the foregoing, questions must comply with the following conditions —

(a) a question must not publish any name or statement not strictly necessary to make the question intelligible;

(b) if a question contains a statement, the Member asking it must make himself responsible for the accuracy of the statement;

(c) a question must not contain any argument, inference, imputation, epithet or ironical expression;

(d) a question must not ask for an expression of opinion or for the solution of an abstract legal question, or of a hypothetical question;

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(e) a question shall not be asked as to the character or conduct of any person except in his official capacity;

(f) a question shall not be asked which reflects on the character or conduct of any person whose character or conduct can only be challenged on a substantive motion;

(g) a question shall not be asked on any matter which is *sub judice*;

(h) a question fully answered shall not be asked again in the same session.

(6) Notwithstanding anything hereinbefore contained, any *ex-officio* Member or any Member who is a public officer to whom a question is addressed may, with the approval of the Speaker, refuse to answer such question on the ground of public interest and such refusal cannot be debated or questioned.

(7) The Speaker alone shall decide whether a question is or is not admissible under the Standing Orders, and may disallow any question if it infringes any of the Standing Orders. He may, moreover, disallow any question when, in his opinion, it is an abuse of the right of questioning or is calculated to obstruct or impede the procedure of the Council.

(8) Disallowance of a question, with the reasons therefor, shall be communicated in writing by the Clerk to the Member concerned.

**RULES OF DEBATE**

**Time and manner of speaking.**

8. (1) Every Member, except the Speaker, shall speak standing and shall address his observations to the Speaker or Chairman.

(2) When the Speaker or Chairman rises during proceedings in Council, or in Committee of the whole Council, every other Member shall be seated.

(3) If 2 or more Members rise at the same time to speak, the Speaker or Chairman shall call on the Member who first catches his eye.

(4) When a Member has finished speaking he shall resume his seat and any other Member wishing to speak shall rise.

(5) Every Member shall whenever possible avoid referring to another Member by name.

(6) A Member may not read his speech, but he may read extracts from books or papers in support of his argument, and may refresh his memory by reference to notes.

**Occasions when a Member may speak more than once.**

9. (1) No Member may speak more than once to any question except —



(a) in Committee;

(b) in explanation as provided in paragraph (2); or

(c) in the case of the mover of a substantive motion, in reply at the end of a debate thereon; but the mover of an amendment to a motion shall not have a right of reply at the close of a debate on that amendment.

(2) A Member who has spoken to a question may again be heard, if the Speaker so permits, to explain some part of his speech which has been misunderstood; but when so speaking he shall not introduce any new matter.

(3) Any Member may second a motion or amendment by rising in his place and saying "Sir, I beg to second" and this shall not prejudice his right to speak later in the debate on that motion or amendment.

### **Interruptions.**

10. No Member shall interrupt another Member except —

(1) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Speaker or Chairman for decision; or

(2) to elucidate some matter raised by another Member in the course of his speech, provided that the Member speaking is willing to give way and resume his seat.

### **Personal explanation.**

11. With the leave of the Speaker, a Member may make a personal explanation although there is no question before the Council at the time provided in Standing Order 4, but no controversial matter may be brought forward nor may debate arise upon the explanation.

### **Contents of speeches.**

12. (1) Every Member shall restrict his observations to the subject under discussion.

(2) Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might in the opinion of the Speaker or Chairman prejudice the interests of parties thereto.

(3) It shall be out of order to attempt to reconsider any specific question upon which the Council has taken a decision during the current session except upon a motion to rescind that decision made with the permission of the Speaker.

(4) It shall be out of order to use offensive and insulting language about Members of the Council.

(5) No Member shall impute improper motives to any other Member.

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(6) Neither His Majesty the Sultan and Yang Di-Pertuan's nor Her Britannic Majesty's name shall be used to influence the Council.

(7) The conduct of His Majesty the Sultan and Yang Di-Pertuan, Her Britannic Majesty, judges or other persons performing judicial functions, any member of the Public Service Commission or the State Auditor General shall not be referred to except upon a substantive motion made for that purpose.

### **Scope of debates.**

13. (1) Debate upon any motion or amendment to a motion or upon any Bill, part of a Bill or amendment to a Bill, shall be relevant thereto.

(2) When an amendment to a motion or to a Bill proposes to leave out words and to insert or add other words instead of them, debate upon the question to leave out words may include both the words to be left out and those proposed to be inserted or added.

### **Anticipation.**

14. (1) It shall be out of order to anticipate the discussion of a Bill standing on the Order Paper by discussing the subject matter of that Bill on a motion or raising it in a question.

(2) It shall be out of order to anticipate the discussion of a substantive motion standing on the Order Paper by raising it in a question.

(3) In determining whether a discussion is out of order on the grounds of anticipation, regard shall be had by the Speaker or Chairman to the probability of the matter anticipated being brought before the Council within a reasonable time.

## **RULES OF ORDER**

### **Decision of Speaker or Chairman final.**

15. The Speaker in Council or the Chairman in Committee shall be responsible for the observance of the rules of order in the Council and Committee respectively and his decision upon any point shall not be open to appeal.

### **Behaviour of Members not speaking.**

16. During a sitting —

(a) all Members shall enter or leave the Council with decorum;

(b) no Member shall cross the floor of the Council unnecessarily;

(c) Members shall not read newspapers, books, letters or other documents except such matter therein, as may be directly connected with the business of the Council; and

(d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions.

#### **Conduct in Council.**

17. (1) The Speaker or the Chairman, after having called the attention of the Council or the Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments, or of the arguments made by other Members in the debate, may direct him to discontinue his speech.

(2) The Speaker or Chairman shall order any Member whose conduct is grossly disorderly to withdraw immediately from the Council for the remainder of that day's sitting; and the Clerk shall act on such orders as he may receive from the Speaker or Chairman to ensure compliance with this Order.

### **MOTIONS AND AMENDMENTS THERETO**

#### **Notice of Motions.**

18. (1) A Member may give oral notice of a motion during a sitting at the time appointed under Standing Order 4, but no notice of a motion shall be effective until it has been reduced to writing, signed and handed to the Clerk.

(2) 14 days notice shall be given of any motion:

Provided that with the express consent of the Speaker given on the ground that the dispensing of notice either wholly or in part is expedient in the public interest, such notice may be dispensed with either wholly or in part.

(3) Subject to the provisions of paragraph (4), the Clerk shall enter in the Question and Motion Book every motion or amendment of which notice is sent to him, whether or not such notice is required, placing them in the order in which they were received, and shall enter them on the Order Paper.

(4) If the Speaker is of opinion that any notice received by the Clerk infringes any of the provisions of these Orders, he may direct —

(a) that it be placed upon the Order Paper with such alterations as he may direct; or

(b) that it be returned to the Member who signed it, as being out of order.

#### **Motions without notice.**

19. The following motions may be moved without notice —

(a) any motion by way of amendment to a question already proposed by the Speaker;

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- (b) any motion for the adjournment of a debate;
- (c) any motion made when the Council is in Committee;
- (d) any other motion for which it is so provided in these Orders.

**Amendment of motions.**

- 20.** (1) An amendment must be relevant to the question to which it is proposed.
- (2) An amendment must not raise any matter which can only be raised by a distinct motion after notice.
- (3) An amendment to a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or matter.
- (4) An amendment must not be substantially the same as an amendment moved by another Member.
- (5) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.
- (6) To any amendment, an amendment may be moved.
- (7) Any amendment moved and seconded in Council or moved in Committee shall, if so required by the Speaker or Chairman, be put into writing by the mover and delivered to the Clerk.
- (8) The Speaker or Chairman shall be the sole judge of the admissibility of any amendment.
- (9) An amendment to a proposition shall be put before the original proposition. If an amendment is moved to a proposed amendment, the last-mentioned amendment shall be dealt with as if it were the original question until any amendment to it has been resolved.

**Seconding of motions and amendments thereto.**

- 21.** (1) In the Council the question upon a motion or amendment shall not be proposed by the Speaker unless such motion or amendment has been seconded.
- (2) In a Committee a seconder shall not be required.

**Manner of debating motions.**

- 22.** (1) If an amendment be carried, the original motion as amended shall become the substantive motion, whereupon any further amendment relating to any portion of the motion may be moved, so long as it is consistent with the business and has not been covered by an amendment which has been previously rejected.

(2) After the vote on each succeeding amendment has been taken, the proposition as amended shall be put to the vote and, if carried, shall become a resolution.

#### **Collection of voices.**

23. (1) No further debate shall take place after the question has been put by the Speaker or Chairman.

(2) A question is fully put, when the Speaker or Chairman has collected the voices both of the Ayes and of the Noes.

(3) When the question has been put the votes shall be taken by voices Aye and No and provided that no Member then claims a division the result shall be declared by the Speaker or Chairman.

#### **Divisions.**

24. Any Member may require that the votes be taken by Division, in which case every Member present except those abstaining, shall upon his name being called give his vote by saying "aye" or "no" or by stating that he abstains from voting and the Clerk shall record each vote. The Speaker or Chairman shall then declare the number of votes for and against the motion and in the event of an equality of votes, shall give his casting vote.

#### **Committees.**

25. (1) Unless the motion for the appointment of the Committee contains anything to the contrary —

(a) when a Committee, not being a Committee of the whole Council, consists of not more than 4 members, 2 members shall form a quorum;

(b) when a Committee, not being a Committee of the whole Council, consists of more than 4 but less than 8 members, 3 members shall form a quorum; and

(c) when a Committee, not being a Committee of the whole Council, consists of 8 or more members, 5 members shall form a quorum.

(2) Unless the motion for the appointment of the Committee contains anything to the contrary, the Chairman of a Committee shall be nominated by the Speaker.

25A. [S 81/66] *Suspended.*

[S 20/05]

#### **Records and papers of the Council.**

26. (1) All records of the Council, and all papers to be laid before the Council, shall be deposited with the Clerk, who shall be responsible for the safe custody thereof and shall

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have all such papers ready to be produced before the Council whenever the same may be required by any Member.

(2) All such papers shall be at all reasonable times open to the inspection and perusal of any Member.

**First reading of Bills.**

**27.** (1) The Member moving the introduction of any Bill shall read the long title of such Bill and the Bill shall then be deemed to have been read a first time.

(2) Upon such motion no debate shall take place.

(3) After the Bill has been read a first time, the Member moving the introduction of such Bill shall give notice of the day on which the second reading will be moved.

**Second reading of Bills.**

**28.** (1) When a motion for second reading of a Bill has been made and seconded, the Speaker shall propose the question, "That this Bill be now read a second time".

(2) Upon such question, a debate may be taken only upon the general merits and principles of the Bill and, if such reading be assented to, the Council shall, either forthwith or at a time to be agreed upon, and subject to the provisions of Standing Order 30, resolve itself into a Committee of the whole Council on the Bill.

**Committee of the whole Council.**

**29.** (1) When the Council resolves itself into a Committee of the whole Council on a Bill the Clerk shall call the number of each clause and schedule in succession; and the Committee shall then settle the Bill by agreeing to or amending each clause or schedule, as it may think fit.

(2) In settling a Bill in Committee, any Member may move an amendment or, without moving an amendment, may ask for information respecting any part of the Bill or any proposed amendment.

(3) At the conclusion of the proceedings in Committee on a Bill, the Member in charge of the Bill may move "That the Bill [as amended] be reported to the Council", and the question thereon shall be decided without amendment or debate.

(4) Upon resumption, it shall be reported to the Council, that the Bill has been considered in Committee, and has been amended or agreed to without amendment, as the case may be.

**Select Committee.**

30. (1) The Council may on motion made and agreed decide to refer a Bill or any matter before Council to a Select Committee. Such reference may in the case of a Bill be made at any stage before the Bill has been referred to a Committee of the whole Council.

(2) The report of a Select Committee on a Bill, or on any other matter referred to a Select Committee, shall be laid on the table by the Chairman of the Select Committee.

(3) Before reporting a Bill to the Council the Select Committee shall go through the Bill in the manner required by Standing Order 29.

(4) When a Bill has been amended in a Select Committee, the whole text of the Bill as amended shall, if practicable, be printed as part of the report of the Select Committee; but if this is not practicable, the text of every clause or schedule amended and of every new clause or new schedule added shall be so printed.

(5) Where a Bill has been reported from a Select Committee, the Council shall proceed to consider the Bill as reported from the Select Committee upon a motion "That the report of the Select Committee be approved".

(6) If that motion is agreed to without amendment, the Council may proceed to the third reading of the Bill as reported from the Select Committee.

(7) Upon a motion to approve the report of a Select Committee on a Bill, any Member may propose an amendment to add, at the end of the motion, the words "subject to the recommittal of the Bill (either wholly or in respect only of some particular part or parts on some proposed new clause or new schedule) to a Committee of the whole Council", and if that motion is agreed to with such an amendment, the Bill shall stand so recommitted, and the Council shall resolve itself into a Committee to consider it.

(8) When the report of a Select Committee on any matter other than a Bill has been laid on the table, it shall be open to any Member to move that the Council shall proceed in a particular manner and if such motion is agreed to, the Council shall, subject to the provisions of these Standing Orders, so proceed.

(9) The Speaker may from time to time in the case of the death, incapacity or absence from Brunei Darussalam of any Member of a Select Committee, appoint another Member of Council in his place.

**Third reading of Bills.**

31. (1) When a Bill has been reported to the Council as agreed to with or without amendment it may be recommitted for further amendment but, subject as aforesaid, the Member in charge of the Bill shall either move "That this Bill be now read a third time and do pass", or give notice of a day on which such motion shall be moved.

(2) When a motion for the passing of a Bill has been carried, the Clerk shall write at the end of the Bill the words, "Passed this day", giving the date.

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(3) The Clerk shall then present the Bill to the Speaker for the assent of His Majesty the Sultan and Yang Di-Pertuan and the affixing of the State Seal.

### Publication of Acts.

**32.** (1) When a Bill has been passed and assented to by His Majesty the Sultan and Yang Di-Pertuan it shall as soon as possible be published in the *Gazette*.

(2) At any time before such publication, the Attorney General may correct grammatical and typographical mistakes therein, and for that purpose may make verbal additions, omissions and alterations not affecting the meaning of any section.

### Private rights.

**33.** (1) If a Bill peculiarly affects private interests, and any person whose interests are so affected applies by petition to be heard and to have witnesses examined upon the subject of the Bill, any Member may move a resolution to allow the petitioner to be so heard before the Council or a Select Committee thereof.

(2) When it is intended to examine any witnesses, the Member or the petitioner requiring such witnesses shall give to the Clerk a list containing their names and addresses, before the day appointed for their examination; and, on his examination, the evidence of every such witness shall be taken down by the Clerk and signed by the witness.

(3) The Council or a Committee may at its discretion refuse to hear any irrelevant evidence or any recalcitrant witness.

### Procedure on presentation of Petitions.

**34.** (1) Every Petition intended to be presented to the Council must conclude with a prayer setting forth the general object of the Petitioner.

(2) The Council shall not receive any Petition —

(a) which is not addressed to the Council and which is not properly and respectfully worded;

(b) which has not at least one signature on the sheet on, which the prayer of the Petition appears and which has not at least the prayer or a summary thereof at the head of each subsequent sheet of signatures;

(c) which asks for a grant of public money or the release of a debt to the public funds unless the recommendation of His Majesty the Sultan and Yang Di-Pertuan thereto has been signified;

(d) which does not conform with such rules as may from time to time be prescribed.



(3) A Petition shall not be presented to the Council unless it shall have been endorsed by the Clerk as being in accordance with the rules then in force in regard to Petitions.

(4) The Member presenting a Petition may move that such Petition be read and, in making such motion, must confine himself to a brief statement of the persons from whom the Petition comes, of the number of signatures attached thereto, of the material allegations contained therein, and of the purport of the prayer of the Petition. If such motion is seconded and carried, the Clerk shall read the Petition.

(5) All Petitions shall be ordered to lie upon the table of the Council without question put, unless a Member when presenting a Petition moves for it to be read or referred to a Select or other Committee.

(6) When any Petition is referred to a Select or other Committee, all persons whose individual rights or interests are peculiarly affected by any proposed action or Bill to which the Petition relates may be heard by the Committee, either in person or, at the discretion of the Committee, by Counsel.

#### **Adjournment.**

35. (1) On the last day of any meeting no motion for the adjournment of the Council shall be moved until all the business on the Order Paper has been concluded, when such a motion shall be moved by an *ex-officio* Member.

(2) Upon a motion moved under paragraph (1) of this Order any Member, other than a Member of the Council of Ministers or a Member who is a public officer, who has obtained the right so to do may raise any matter for which the Government is responsible and, when he has concluded his speech, the Member with whom responsibility for the matter raised lies, may reply.

(3) Any Member who wishes to raise a matter under the provisions of paragraph (2) may give oral notice of his intention in the Council, but shall in any case give notice of the matter in writing to the Speaker not less than 48 hours before the sitting at which he wishes to do so; provided that the Speaker may in his discretion dispense with such notice.

(4) The time allotted to each Member raising a matter or replying under the provisions of paragraph (2) shall be 10 minutes or such further time as the Speaker may in any particular case allot.

#### **MISCELLANEOUS**

##### **Admission of public and press.**

36. Members of the public and of the Press shall be admitted to debates in the Council under such rules as the Speaker may make from time to time. The Clerk shall ensure that all such rules are complied with.

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[Subsidiary]

**Withdrawal of strangers.**

37. (1) Any Member may, without notice, at any time rise and move "That strangers do withdraw", and if that motion is seconded, the Speaker or Chairman shall put the question thereon forthwith without amendment or debate.

(2) The Speaker or Chairman may at any time order strangers to withdraw and the doors of the Council Chamber to be closed.

(3) The Clerk shall ensure that any order for the withdrawal of strangers is duly complied with.

**Matters not provided for in Standing Orders.**

38. If any question of order or procedure is not prescribed for in the Constitution or in these Standing Orders, the practice and procedure of the Commons House of Parliament of the United Kingdom shall as nearly as circumstances may permit be followed.



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