



***BERMUDA***

***HOUSE OF ASSEMBLY***

***An Overview of the Senate of Bermuda***

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# The Senate of Bermuda

## An Overview

The Senate is the Upper House or the Second Chamber in our Bicameral Parliamentary system, together with the House of Assembly forming the Bermuda Legislature. Prior to 1980, the Senate had been called the Legislative Council.

-The Upper House is sometimes regarded as a place for more sober reflection or second thought on legislation, particularly the more politically contentious items and it has a quasi – oversight role. The Senate’s normal meeting days are Wednesday.

There are 11 members of the Senate, all appointed by H.E. the Governor:-

- 5 Government Senators
- 3 Opposition Senators
- 3 Independent Senators

-Senators are appointed normally for the life of each Parliament unless they resign or retire or are otherwise disqualified under Constitutional provisions. Senators can be reappointed by the Governor to further terms in new Parliaments.

-The President and the Vice-President are elected by Senators from among the Independent members.

-Section 58 (2) of the Bermuda Constitution requires that at least 1 but no more than 2 Minister in the Cabinet must be appointed from among the members of Senate.

-Quorum in the Senate consists of the President, or the Chairman in Committee, and five other Senators.

-Senators are expected to bow toward the President, or the Chairman in Committee, when entering or exiting the Chamber through the Bar of the Senate. This custom also applies to Guests and Government Officers who pass through the Bar.

-Senators sit at a Round Table in the Senate Chamber; creates a more intimate atmosphere during debate (as opposed to House Chamber). The Senators remain seated while giving their speeches during debate.

-Voting on matters under debate: All Senators present, including the presiding Member, vote on motions. A motion is lost in the case of a tie.

-Due to the presence of the Independents, there exists the possibility of a Defeat on Government Business in the Senate if all Opposition and Independent Senators object to and vote against the Bill/subsidiary legislations/motion being considered. This feature of the Senate means that the Independents can have a moderating influence on some legislative items or programmes and the general tone of debate.

## **SENATE ORDER OF BUSINESS (and some other notes of interest)**

Please see the sample Senate Order of Business paper. Note that there are some differences as compared to the House of Assembly Order of Business.

-Messages to the Senate are read out by the Clerk to the Senate while standing.

-Announcements and Notices of Motion are read by the Minister or Junior Minister responsible for the relevant item.

-Bills are read by title only by the President on the First Reading.

-Parliamentary Questions must be submitted to the Clerk for transmittal to the Ministry Office concerned at least six days before the Answers are to be given in the Senate at the next Senate meeting.

-Congratulatory and/or Obituary speeches come at the end of the Order of Business.

-On the Motion to Adjourn, Senators are allowed up to 10 minutes to speak on an issue (within the Rules).

-Some key Rules –Rule 26 (re skipping Committee stage during consideration of a Bill before Third Reading); Rule 25 (re provision for the Second Reading of a Bill on the same day and the First Reading); Rule 70 allows for the suspension of any Senate Rule if Senators agree.

-Substantive Motions, Take Note Motions, Affirmative and Negative Resolution procedures are the same as for the House.

-Section 38 of the Constitution places some restriction on the Senate's powers to reject or prevent the passage of legislation if the Bill concerned has been passed by the House of Assembly once during a Session of the Legislature (but defeated by Senate during the same Session) and the same Bill is passed by the House a second time in a subsequent Session of the House at least twelve months after the first passage. The Senate can again defeat said Bill a second time, but Section 38 then comes into force and the relevant Bill will proceed to H.E. for the Assent. This Section came into play in 1997 on 'The Restricted Restaurants Act'.

-Section 36 and 37 of the Constitution also place some restriction on Senate's powers regarding Budget matters and Money Bills/Taxation matters.

-Senate undertakes its annual Budget Debate in early to mid-March of each year after House has approved the Budget Estimates and the Appropriation Act. The Senate must pass the Appropriation Act before the end of March to ensure that the Governor can give Assent to it before the start of Government's fiscal year on 1<sup>st</sup> April each year.

-Outside observers may have noted the "efficiency" of the Senate in completing debate and discussion on a more timely basis than the House. (Less members help here).