



*The Senate
Bermuda*

*Guide to the Proceedings
of the Senate of Bermuda*

Guide to Senate Proceedings

PRELIMINARY

- (a) Senators will take their seat before the arrival of the President.
- (b) Upon the arrival of the President, the Clerk will announce:
“Senators, Madame President.”
- (c) All Senators will rise.
- (d) The President will go to his/her place at the Table and bow to the Senators on his/her right then to the Senators on his/her left.
- (e) Senators will return the bow.
- (f) The President and Senators will take their seats.
- (g) At the appointed hour the President will announce:
“Senate is now in Session.”
- (h) Prayers will follow.
- (i) The President will announce: ‘Mr. / Madame Clerk, will you please read the minutes of the last meeting.’
- (j) Senators arriving late, or departing during the meeting, will bow to the Chair upon passing through the Bar.

ORDER OF BUSINESS

1. Confirmation of Minutes

- (a) Copies of the Minutes of the previous meeting will, when practical, have been circulated to Senators in advance of the meeting.
- (b) A Senator, normally the Vice – President, will make the following motion:
“Mr. / Madame President, I move that the minutes be taken as read.”
- (c) The President puts this motion to Senate and if there is no objection, announce that the minutes are taken as read.
- (d) If there is a correction to be made a Senator should put forward the necessary amendment when the motion at (c) is under consideration.

- (e) The same Senator making the earlier motion will then make a further motion: “Mr. / Madame President, I move that the minutes be confirmed.”
- (f) The President puts this motion to Senate and if there is no objection, announces that the minutes are confirmed. He/she then signs them.

2. Reading of Message

- (a) The President will enquire: “Mr. /Madame Clerk, are there any messages?”
- (b) The Clerk will reply in the affirmative or negative, as the cause may be and if in the affirmative, will read out all such Messages received from the Governor and / or House of Assembly, which he/she will then hand to the President.
- (c) Any such Message or Messages requiring Legislative consideration will automatically be place on the Order Paper for consideration at the next day of meeting.

3. Reports of Committees

- (a) The President will enquire; “Are there any Reports of Committees?”
- (b) Any Senator having a Report to present, be it a Report from a Select or Joint Select Committee, or a Report from the Standing Committee or Private Bills, will announce: “Yes Mr. / Madame President, I have a Report to present. It is a report from the (joint) select committee appointed to consider so and so and is addressed to so and so.”
- (c) If printed copies of the report are not available, the Senator should mention the salient parts of the Report, or, if copies of the Report are available, he/she may simply say: “I do not propose to read the Report as printed copies have been distributed to each Senator.” He/she will conclude by announcing that the Report has been signed by so and so and then request that the Report, if for debate, be placed on the Order Papers for consideration at a specified subsequent meeting.
- (d) The Clerk will hand the Report to the President who will announce: “The Report of so and so has been received and is tabled;” or when appropriate, “has been received and is tabled for consideration at the specified day of meeting”.

4. Announcements

The President will enquire; “Are there any announcements?” These are rare, but they cover communications to the Senate (other than official Messages covered by 2), replies to letter of sympathy to widows of members etc.

5. Notices of Motion

The President will enquire; “Are there any Notices of Motion?” This would be the appropriate time for a Senator to give notice of a motion that he/she may wish to move at a subsequent meeting.

6. Petitions

- (a) The President will enquire: “Are there any Petitions?”
- (b) Senators will then present their Petitions (usually for the incorporation of companies) by saying; “Yes Mr. / Madame President, I have a petition to present. It is addressed to the Honourable the President and the Honourable Members of the Senate and the petitioners so and so, are desirous of forming a joint stock company to be called so and so with such powers as are set out in the bill accompanying the petitions. And your Petitioners, as in duty bound, will ever pray, etc. Signed so and so.”
- (c) The Clerk will hand the petition to the President who will announce that the petition of so and so relating to so and so is received and where appropriate is referred to the joint standing committee on private bills.

7. First Reading of Public Bills

- (a) The President will announce; “The following Public Bills have been received from the Honourable House of Assembly and are now read for the first time. Their titles, are respectively: -”
- (b) Each of these items will automatically appear on the Order Paper for a 2nd reading on the next day of meeting, no motion for such purpose being necessary.

8. First Reading of Private Bills

- (a) The President will announce: “The following Private Bills have been received from the Honourable House of Assembly. Their titles are as follows: -”
- (b) The senior member of the joint standing committee on private bills will then make the following motion: “I move that it is the opinion of Senate that adequate notice of the nature and objects of these private bills has been given in accordance with the requirements of Rule 45”.

- (c) The President will put this motion to the Senate and if there is no objection, will then say: “These Bills, whose titles I will read again, are accordingly now read for the first time. They are
- (d) Each private bill will automatically be placed on the Order paper for consideration at the next day of meeting, together with the name of the Senator in charge, i.e. the Senator who presented the petition.

9. Business set down in the Order of the Day

The President will call each item in the sequence set out in the Order Paper.

The procedure thereon is set out more fully in the accompanying Appendices.

(Printed copies of the Reports, Public Bills and Private Bills referred to in paragraph 3, 7 and 8 will be distributed to Senators at the Meeting.

Senators are expected to familiarise themselves with such papers which they may take away with them. They must, however, bring the papers back to Senate for the debate.)

10. Adjournment

When the last item on the Order Paper has been dealt with and it is intended that the Senate adjourn to the regular day of meeting, the Senior Government Senator present will make the following motion:

- (a) “Mr. / Madame President, I move that the Senate do now adjourn”. When it is intended that the Senate adjourn to a date other than the next regular day of meeting, the Senior Government Senator present will make the following motions.

- (b) “Mr. / Madame President, I move that, at its rising, the Senate do adjourn to

When this motion has been agreed the Senior Government Senator present will make the following motion:

- (c) “Mr. / Madame President, I move that the Senate do now adjourn”.

Discussion on the motions set out in (b) is confined to the date proposed. On the motions for adjournment (a) and (c), it is open for any Senator to raise any matter, discussion being limited only with respect to Rule 17-68.

When the motion for adjournment is agreed to, the president will announce:

“The Senate is now adjourned”.

The President and Senators will rise. The President will bow to his/her right and then to his/her left and Senators will return the bow.

Consideration of Messages and Reports

1. Item is called from the Order Paper by the President.

2. **Senator-in-Charge**

“I move that His Excellency’s Message No. or the report of the Joint Select Committee on be now taken under consideration”.

3. **President**

“It has been moved that His Excellency Message No. be now taken under consideration.

Does any Senator wish to speak to that motion? (Pause)

Is there any objection to the motions? (Pause)

No objection..... Agreed to.

His Excellency’s Message No. is now under consideration.”

4. **Senator-in-Charge**

“I move that Senate do resolve itself into a Committee of the Whole for further consideration of His Excellency’s Message.”

5. **President**

“It has been moved (..... etc.) to Agreed to.

The Senate is resolved into a Committee of the Whole for further consideration of the Message and will Senator please take the chair.”

6. President and Chairman will exchange places at the table.

7. **Chairman**

“The Senate is now in Committee for further consideration of His Excellency’s Message.”

8. **Senator-in-Charge**

Will address the chair and explain purpose of His Excellency’s Message or Report. Having concluded his explanatory remarks he will say: “I accordingly move that His Excellency’s Message be concurred in” (or that the Regulations forwarded under cover of His Excellency’s Message be agreed to, or that the report be adopted etc.)

9. **Chairman**

“It has been moved that His Excellency’s Message be concurred in. Does any Senator wish to speak to that motion?” (Pause)

“Is there any objection to the motion?” (Pause)

“No objection Agreed to.”

10. The Chairman will rise and say:

“Mr. / Madame President, I have to report that the Committee has concurred in His Excellency’s Message.”

11. The Chairman and the President will resume their original seats.

12. **President**

“The Chairman has reported the Committee’s concurrence in His Excellency’s Message. Does any Senator wish to speak to the Committee’s Report? Is there any objection? (Pause)

Agreed to. The Committee’s Report is adopted.”

13. **Senator-in-Charge**

Mr. / Madame President I move that a suitable Message be sent to His Excellency the Governor informing His Excellency that this Senate has concurred in His Excellency that this Senate has concurred in His Excellency’s Message.” (In the case of a Report the motion would read “I move that a copy of this Report, together with a suitable Message, be sent to His Excellency the Governor etc.”)

14. **President**

It has been moved that etc.

Does any..... etc.

Is there any objection? Agreed to.

A suitable Message will be sent accordingly.”

Appendix B

Second and Third Reading of Bills

1. The President will call the Bill by its title only and announce “Second Reading.”

2. **Senator-in-Charge**

“Mr. / Madame President, I move that the Bill entitled be now read a second time.” Its purpose is to”
(here give a full explanation of the Bill).

3. **The President**

“It has been moved that the Bill entitled be now read a second time. Does any Senator wish to speak to that motion? Is there any objection? Agreed to. The bill entitled is accordingly read for the second time.” (Members should note that that when speaking to this motion only the principle of the Bill may be debated. Rule 26, applies. Note also Rule 17 relative to speaking more than once on the same question when *not* in Committee.)

4. **Senator-in-Charge**

“I move that the Senate do now resolve itself into a Committee of the whole for further consideration of the Bill.”

5. **President**

“It has been moved that the Senate do now resolve itself into a Committee of the whole for further consideration of the Bill. Does any Senator wish to speaker to that motion?”
The Senate is resolved into a Committee of the whole for further consideration of the Bill and will Senator please take the chair.”

6. President and Chairman exchange places.

7. **Chairman**

“The Senate is now in Committee for further consideration of the Bill.”

8. A Senator – not the Senator-in-Charge – will move for the Bill to be read by its title only.

9. **Chairman**

“It has been moved that the Bull be read by its Title only. Is there any objection to the motion? No Objection? Agreed to.
The..... Act, 2012” (Chairman reads it by its title).

10. **Senator-in-Charge**

“Mr. Chairman, I move that the Bill be adopted.” (Here five any further explanation required).

11. **Chairman**

“It has been moved etc.
Is there any objection? Agreed to.”

The Chairman will rise and say: “Mr. / Madame President I have to report that the Committee has adopted the Bill without amendments.” (If a money Bill the final two words “without amendment” should be omitted as Senate cannot amend money Bills.) (Members should note Rule 30 which states “The principle of a Bill shall be discussed in Committee.”)

12. Chairman and President resume normal seats.

13. **The President**

“The Committee Chairman has reported the adoption of the Bill without amendment. Does any Senator wish to speak on the Report of the Committee? Is there any objection? Agreed to. The Report is adopted.”

14. **Senator-in-Charge**

“I move that the bill be now read a third time.”

15. **Chairman**

“It has been moved that the Bill be now read a third time. Are there any objections to this motion? No objection? Agreed to. The Bill entitled is accordingly now read a third time.”

16. **Senator-in-Charge**

“I move that the Bill do now pass.”

17. **Chairman**

“It has been moved that the Bill do now pass. Does any Senator wish to speak to this motion? Is there any objection? Agreed to. The Bill is accordingly passed and will be laid before His Excellency the Governor for His Excellency’s Assent.”

18. The President will then sign the Bill.

19. Occasionally, when the Bill is being considered in committee, the Senator-in-Charge, or a Senator, may wish further time to consider a particular point that has arisen to discussion. Under such circumstances it is open to any Senator to make the following motion:

“Mr. Chairman, I move that the Committee rise, report progress and ask for leave to sit again.” This will enable the Committee to resume its consideration of the Bill at a subsequent meeting.

20. The Chairman will then say:
“It has been moved that the Committee rise, report progress and ask for leave to sit again. Does any Senator wish to speak to that motion? Is there any objection? Agreed to.”

The Chairman will rise and say:

“Mr. / Madame President I have to report that the Committee has risen and request permission to sit again for further consideration of the motion for the adoption of the Bill.”

21. The Chairman and the President will resume their regular seats.

22. The President will say:

“The Committee has reported progress and leave is requested to sit again. Does any Senator wish to speak to the Report of the Committee? Is there any objection? Agreed to. Leave is accordingly granted for the Committee to sit again for further consideration of the Bill.”

Appendix C

Procedure for Bills being read by Marginal Notes

With a Bill thought to be of contentious nature it may be advisable to consider it clause by clause rather than in its entirety.

1. Under such circumstances a Senator, rather than move that the Bill be read by its Title only, may make the following motion:

“Mr. Chairman, I move that the Bill be read by its marginal notes.”

The procedure is then as follows:

2. **Chairman**

“It has been moved that the Bill be read by its marginal notes. Does any Senator wish to speak to that motion? Is there any objection? Agreed to. Clause 1 Interpretation” (or whatever the marginal note says).

3. **Senator-in-Charge**

“I move that Clause 1 stand part of the Bill. This Clause provides for” (give explanation).

4. **Chairman**

“It has been moved that Clause 1 stand part of the Bill. Does any Senator wish to speak to that motion? Is there any objection? Agreed to. Clause 1 stand part of the Bill. Clause 2 (read the marginal note).

5. **Senator-in-Charge**

“I move that Clause 2” etc.
This procedure will continue until all the Clauses have been dealt with. If part of the Bill is non-contentious the Senator may include several clauses in one motion, i.e. “I move that clauses 23-42 stand part of the Bill’ etc. When all of the Clauses have been dealt with the Chairman will call “the Preamble”.

6. **Senator-in-Charge**

“Mr. Chairman, I move that the Preamble be taken as read.”

7. **Chairman**

“It has been moved etc.”

8. **Senator-in-Charge**

‘I move that the preamble stand part of the Bill.”

9. **Chairman**

“It has been moved etc.”

.....
.....

Agreed to. The Preamble stands part of the Bill the title.

The title. The Act, 2012.

10. **Senator-in-Charge**

“I move that the Title stand part of the Bill.”

11. **Chairman**

“It has been moved etc.”

.....
Agreed to. The title stands part of the Bill.”
The Chairman will rise and say:

“Mr. / Madame President. I beg to report that the Bills has been adopted without amendment.”

Procedure is then as set out in Appendix “B”.

Appendix D

Procedure for Private Bills in respect of Exempted Companies

Rule 70 provides for any Rule to be suspended by a majority vote of the members present.

Rule 26 provides for a Bill to be referred to a Committee for consideration.

If the Senate agrees to the suspension of Rule 26 it is therefore unnecessary to go into Committee.

This procedure is regularly adopted in the case of the above type of private bill where there is never a debate and the procedure would be as follows: -

1. **The President**

“The Act, 2012 Second reading’ (having called it from the Order Paper).

2. **Senator-in-Charge**

“I move that the Bill entitled The..... Act, 2012 be now read a second time. This bill provides for the incorporation of an exempted company etc.

3. **President**

“It has been moved the Bill entitled The..... Act, 2012 be now read a second time. Does any Senator wish to speak to that motion? (Pause) Is there any objection? (Pause) Agreed to.

4. The Bill entitled The..... Act, 2012 is accordingly now read for the second time.

5. **Senator-in-Charge**

“I move that rule 26 be suspended.”

6. **President**

“It has been moved that rule 26 be suspended. Does any Senator wish to speak to that motion?

Is there any objection?

Agreed to.

Rule 26 is suspended accordingly.

7. **Senator-in-Charge**

“I move that the Bill now be read a third time.”

Procedure is now for all Bills.

(As a time-saving device it has been common practice in the Senate for a Senator in charge of more than one such Bill to deal with all of the Bills under one motion.

His/her motion would therefore be:

“Mr. / Madame President, I move that the private Bill entitle The..... Act, 2012 together with the following six Private Bills entitled respectively now read a second time.”

Subsequent motions would be amended accordingly.)

Appendix E

Procedure for amending Bills

1. If a Senator intends to offer an amendment to a Bill such motion should be made while in Committee, when the motion for the adoption of the Bill or for a particular Clause to stand part of the Bill is under consideration.
2. When the President enquires if there is any objection to the motion the Senator will announce: Yes. Mr. / Madame President, I move to amend Clause 6 of the Bill (or Clause 6 if only the Clause is under consideration) by deleting the following words “.....” and substituting therefore “.....”
The Senator will then need to give his/her reasons etc.
3. If there are no further amendments proposed the Chairman says: “It has been moved that Clause 6 (of the Bill) be amended by

Does any Senator wish to speak to that motion? (Pause)

Is there any objection (Pause) Agreed to.

Clause 6 (of the Bill) is amended accordingly.”

(Should there be more than one amendment proposed the last amendment is take first and so on.)

4. The Senator-in-Charge will then say:

“I move that Clause 6, as amended, stand part of the Bill.”

When the Chairman reports the adoption of the Bill he/she will report that it has been adopted as amended.

After the Senate has adopted the Committee’s report the Senator-in-Charge will say: “ I move that the Bill be returned to another place, together with a suitable Message requesting concurrence in the amendments proposed by this Senate.”

5. The President puts this motion to the Senate and when agreed to will announce: “The Bill together with a suitable Message will be send accordingly.”

(If the House of Assembly agrees to the proposed amendments the Bill will be re-printed before being returned to the Senate at which time the Senator-in-Charge will move for the third reading etc.)