

## Bylaw of the Palestinian Legislative Council of 2003

### Preamble

The Palestinian people in Palestine have expressed, through general, free and direct elections, their determination to follow democratic rules in building their institutions and in exercising their national sovereignty. Those elections have led to the birth of the first Palestinian Legislative Council of the Palestinian National Authority.

On that basis, it is necessary to establish the working procedures for the elected Legislative Council, based upon the principle of separation of powers, which confirms the independence of the Legislative Authority and its right to legislate and to control the Executive Authority.

This bylaw was adopted to organise the working procedures of the Legislative Council and to regulate its activities, including the election of its organs, its decision-making process and its legislative procedures, as a first step toward national independence, the development of an advanced democratic society, and the exercise of sovereignty in the homeland.

This bylaw guarantees the freedom of the formation of parliamentary blocs, the freedom of opinion and expression, and the freedom of opposition and constructive criticism. It shall also guarantee comprehensive cooperation between the Legislative Council and the other constitutional institutions of the National Authority.

### Part I.

#### Article 1

In applying the provisions of this law, the following terms and expressions shall have the meanings specified below, unless the context determines otherwise:

<b>Council:</b>	The Palestinian Legislative Council.
<b>President of the National Authority:</b>	The President of the Palestinian National Authority.
<b>Speaker:</b>	The Speaker (Ra'ees) of the Legislative Council.
<b>Council of Ministers:</b>	The Council of Ministers of the National Authority.
<b>Office of the Legislative Council:</b>	The Office of the Presidency of the Legislative Council.
<b>Member:</b>	Any elected member of the Legislative Council.
<b>Constitution:</b>	The Basic Law of the National Authority for the interim period.
<b>Secretariat:</b>	The Secretary-General and his assistant staff.
<b>Absolute Majority:</b>	One (1) more than fifty (50%) percent of the members of the Legislative Council present during a vote.
<b>Absolute Majority of the Legislative Council:</b>	One (1) more than fifty (50%) percent of all members of the Legislative Council.
<b>Relative Majority:</b>	The majority of voters regardless of the number of present members of the Legislative Council.
<b>Two-thirds majority:</b>	The majority of at least two-thirds (2/3) of the members of the Legislative Council.

## **Part II.**

### **Chapter I. The Initial Session**

#### **Article 2**

- a) The President of the National Authority shall convene the session of the first ordinary term of the Legislative Council for the beginning of the second week following the publication of the official results of the legislative elections. He shall open the session and address the Legislative Council in a general speech.
- b) The Legislative Council shall at its first session elect the Office of the Legislative Council. The position of the Temporary Speaker shall be filled by the oldest member. The respective secretarial work shall be performed by the youngest member. If, for any reason, either of them cannot perform his duties, he shall be replaced by the next oldest or youngest member. Their duties shall end with the election of the Office of the Legislative Council.
- c) No discussion in the Legislative Council shall be held before the election of the Office of the Legislative Council.

#### **Article 3ccc**

Each member shall individually swear the Oath of Office before the Legislative Council at the first session as follows:

‘I swear by the Almighty God to be loyal to the nation of Palestine, to defend the rights and interests of the people and the nation, to respect the Constitution and to fulfill my duties to the best of my ability. God shall hereby be witness upon what I say.’

### **Chapter II. Election and Functions of the Office of the Legislative Council**

#### **Article 4**

The Office of the Legislative Council shall consist of the Speaker, two Deputy-Speakers, and the Secretary-General. They shall be elected by the Legislative Council by secret ballot during its first session. The Office of the Legislative Council shall perform its functions until the beginning of the next period of sessions of the Legislative Council. Vacancies shall be filled by election pursuant to Articles 8, 9 and 10 of this bylaw.

### **Chapter III. Parliamentary Blocs**

#### **Article 5**

Members of the Legislative Council with common goals or interests may assemble or organise themselves in parliamentary blocs, provided that their number is no fewer than five (5%) percent of the total number of members.

#### **Article 6**

No member of the Legislative Council shall be part of more than one parliamentary bloc.

#### **Article 7**

Each parliamentary bloc shall have the right to issue its own internal bylaws, provided that no such internal bylaw may contradict the provisions of this bylaw and the law.

## **Chapter IV. Election of the Office of the Legislative Council**

### **Article 8: Election of the Speaker**

The Temporary Office of the Legislative Council shall, with the approval of the Legislative Council, select three members of the Legislative Council, who are not candidates, to help the Temporary Office with the counting and sorting of votes. Each member of the Legislative Council shall be given a paper on which he shall write the name of the candidate whom he chooses for Speaker. The Temporary Speaker shall call up each member one by one to cast his vote in person. The candidate who receives the absolute majority of votes shall be elected. If no candidate receives the absolute majority of votes, the Legislative Council shall proceed to a second round of voting between the two candidates who received the highest number of votes in the first round. The candidate who receives a relative majority of votes shall be elected. A tie shall be resolved by lot. The Temporary Speaker shall announce the result of the election of the Speaker.

### **Article 9: Election of the two Deputy-Speakers and the Secretary-General**

The two Deputy-Speakers and the Secretary-General of the Legislative Council shall be elected by the same procedure as the Speaker. The Temporary Speaker shall then invite the elected Office of the Legislative Council to assume its responsibilities.

### **Article 10: Resignation from the Office of the Legislative Council**

1. The Speaker or any of his Deputies or the Secretary-General shall have the right to submit their resignation from the Office of the Legislative Council.
2. Each resignation shall be submitted in writing to the Office of the Legislative Council.
3. The Office of the Legislative Council shall submit each resignation to the Legislative Council in the next session, which shall occur no later than two (2) weeks from the date of submitting the resignation.
4. A resignation can be withdrawn before its submission to the Legislative Council.
5. Vacancies in the Office of the Legislative Council shall be filled pursuant to the provisions of this bylaw.

### **Article 11**

The Office of the Legislative Council shall authorise a General Secretariat headed by the Secretary-General to supervise all legal, administrative, financial and media affairs of the Legislative Council, as well as all matters related to international relations, public relations and protocol. It shall also be responsible for implementing the decisions of the Legislative Council and notify the concerned parties thereof, in addition to being responsible for keeping the minutes and records of the sessions.

### **Article 12**

The Speaker shall represent the Legislative Council and speak on its behalf. He shall implement its decisions and observe the implementation of the Constitution and this bylaw. He shall be responsible for the security and the organisation of the Legislative Council. The Speaker shall open the sessions and preside over them, direct them, control them, and announce their end. The Speaker shall give the right to speak, shall determine the agenda of the Legislative Council, and authorise the Secretariat to publish the decisions of the Legislative Council. The Speaker shall ensure that the work of the Legislative Council progresses well and shall supervise all of its relations. The Speaker may participate in the discussions of the Legislative Council, but shall vacate his chair while doing so.

### **Article 13**

If the Speaker is absent or participates in the discussions of the Legislative Council, his chair shall be taken by the First Deputy-Speaker. If the First Deputy-Speaker is also absent, the chair shall be taken by the Second Deputy-Speaker or in his absence by the oldest member of the Council.

### **Article 14**

No member of the Office of the Legislative Council shall be eligible to be a minister or to hold any other governmental position.

## **Chapter V. Governmental and Ministerial Statement**

### **Article 15**

1. After the President of the National Authority selects the members of the Legislative Council of Ministers, a special session shall be held for a vote of confidence. The vote of confidence shall take place upon hearing and discussing the written ministerial declaration which specifies the programme and the policies of the Government.
2. If the Legislative Council votes by absolute majority against giving confidence to the Council of Ministers or any of its members, the President of the National Authority shall submit a replacement Council of Ministers in the next session, which shall occur no later than two (2) weeks from the date of the first session.
3. Upon any change in the membership of the Council of Ministers or the filling of a vacant position for any reason, the new minister shall appear before the Legislative Council in its next session for the vote of confidence.
4. No minister may assume his responsibilities before the vote of confidence.

## **Part III.**

### **Chapter I. Sessions of the Council**

### **Article 16**

The Legislative Council shall convene its ordinary annual session in two periods upon the call of the President of the National Authority. Each period shall last for four (4) months. The first period shall begin during the first week of March, and the second shall begin during the first week of September. Upon the request of the Council of Ministers or one-fourth (1/4) of the members of the Legislative Council, the Speaker shall call the Legislative Council to convene in an extraordinary session. If the Speaker does not call for such a session, it shall be deemed convened at the time and place specified in the request of its members or the Council of Ministers.

### **Article 17**

1. The Legislative Council shall meet in public every two (2) weeks on Mondays, Tuesdays, Wednesdays, and Thursdays, unless the Legislative Council decides otherwise.
2. Sessions of committees shall take place in the weeks prior to the sessions of the Legislative Council.

### **Article 18: Legality of the Session of the Legislative Council**

The quorum for the opening of a session of the Legislative Council shall be the absolute majority of the Legislative Council. Decisions shall be made by absolute majority, unless

provided otherwise. If a session does not have a quorum at its scheduled beginning, the Speaker shall delay the beginning of the session for thirty (30) minutes. If the session remains without a quorum, the Speaker shall adjourn it and announce the date and time of the next session, which shall be no later than one (1) week from that date.

#### **Article 19: Draft Agenda**

The Secretary-General shall distribute the decisions and minutes of the previous session of the Legislative Council at least forty-eight (48) hours prior to the next session.

#### **Article 20**

1. The Speaker shall present the agenda of the session for discussion and approval.
2. The decisions and minutes of the previous session, as well as the agenda, shall be valid as long as no member objects to them.
3. The Legislative Council may not consider any subject that is not on the agenda of the session, except upon the request of the President of the National Authority or the Speaker or the written request of a minimum of ten (10) members. Unless provided otherwise in this bylaw, the Legislative Council shall decide to include new subjects on the agenda by relative majority upon one speech in favour and one against including it. Such speeches shall not exceed five (5) minutes in duration.

#### **Article 21: Termination of Sessions**

The Speaker, upon the approval of the Legislative Council, shall announce the interruption or adjournment of the session and the date and time of the next session. The Speaker may call the Legislative Council to meet before the agreed date and time in the case of urgency or upon the request of the Council of Ministers.

#### **Article 22: Extraordinary Sessions**

The Legislative Council may convene an extraordinary (emergency) session upon the request of the President of the National Authority or upon the written request of one-fourth (1/4) of the members of the Legislative Council. If the Speaker fails to call a duly requested extraordinary session, the Legislative Council shall be deemed convened at the time and place required.

### **Chapter II. Minutes of Sessions**

#### **Article 23**

Minutes shall be recorded for each session of the Legislative Council. They shall include the discussions held, the issues debated, and the decisions made by the Legislative Council.

#### **Article 24**

Upon the approval of the minutes of a session, the Speaker and the Secretary-General shall sign them. The minutes shall be kept in the files of the Legislative Council, and the Legislative Council may publish a summary in a special publication.

### **Chapter III. Secret Sessions**

#### **Article 25**

The Legislative Council may, in exceptional cases, be called to meet in secret session, upon the request of the President of the National Authority, the Speaker or one-fourth (1/4) of the members of the Legislative Council. The Legislative Council shall decide whether to meet in

secret session, following a debate in which no more than two speakers in favour and no more than two speakers against shall be heard.

#### **Article 26**

1. Upon convening a secret session, unauthorised persons shall leave the hall and terrace of the Legislative Council. No person except the members of the Legislative Council may be present when the Legislative Council meets in secret session, except with the permission of the Legislative Council.
2. No civil servant of the Legislative Council may attend the session when it meets in secret session, except by permission of the Speaker.
3. When the justification for the Legislative Council to meet in secret session ends, the Speaker shall propose that the secret session end. Upon the approval of the absolute majority of the Legislative Council, the Speaker shall reopen the session to the public.

#### **Article 27**

The Secretary-General shall take the minutes when the Legislative Council convenes in secret session, which minutes shall be kept by the Secretariat. Access to such minutes shall be restricted to members of the Legislative Council, unless the absolute majority of the Legislative Council decides to publish such minutes or any part thereof.

#### **Article 28**

The Legislative Council may call a special session for inviting any personality or guest to address the Legislative Council. There shall be no other item on the agenda of any such session.

### **Chapter IV. Speaking Order in Sessions**

#### **Article 29**

Nobody may speak unless he requests to speak and until called to do so by the Speaker. The Speaker may deny a request to speak only pursuant to the provisions of this bylaw. In case of disagreement, the Speaker shall put the question to the Legislative Council, which shall take a vote by relative majority without discussion.

#### **Article 30**

The Secretary-General shall record the requests to speak as per the order and sequence in which he receives them. The request to speak upon a subject selected for discussion by a committee shall not be accepted until the respective report of the committee is submitted.

#### **Article 31**

No member may speak on any issue more than twice, once during the general discussion and once during the discussion of proposals and draft decisions.

#### **Article 32**

The Speaker shall give right to speak in accordance with the order in which the members request it. The member who is called to speak may waive his right in favor of another member. In case of disagreement, the right to speak shall be given to a member seeking an amendment to a proposal under discussion, to an opponent of such proposal and to a supporter of such proposal.



### **Article 33**

The Speaker may give any minister the right to speak about a subject within the competence of his ministry.

### **Article 34**

The right to speak shall always be given in the following cases:

1. To request that the provisions of the constitutional order or of this bylaw be respected.
2. To propose postponements.
3. To correct any claimed facts.
4. To reply to a statement which concerns the person asking to speak.
5. To call for abstaining from discussion.
6. To propose that the discussion on a subject under debate be postponed until the Legislative Council discusses another related subject. Any such request shall take priority over the main subject under discussion, and discussion on the main subject shall cease until the Legislative Council acts upon the request. The right to speak in such cases shall not be given until the speaking member finishes his statement, except in cases related to respect for the provisions of the constitutional order or this bylaw or to correct claimed facts.

### **Article 35**

No member may use inappropriate language or incite against public order.

### **Article 36**

If a member does not comply with the provisions of Article 35, the Speaker may call him by his name, draw his attention and request him to maintain order. The Speaker may decide that the member shall no longer speak. If the member challenges any such decision, the Speaker shall refer the matter to the Legislative Council, which shall decide on it without discussion.

### **Article 37**

No member may interrupt the speech of another member or issue comments upon it. Notwithstanding the provisions of Article 34, only the Speaker may request a member to comply with the provisions of this bylaw at any time during his speech.

### **Article 38**

No speaker may repeat a point he made or that was already made by another member or go beyond the subject submitted for discussion. Only the Speaker may draw the attention of the member speaking and inform him that his point is sufficiently clear and requires no further explanation.

### **Article 39**

The Legislative Council by relative majority may discipline a member who fails to comply with this bylaw or with a decision of the Legislative Council forbidding him to speak by imposing any of the following penalties:

1. Preventing the member from speaking for the remainder of the session.
2. Instructing the member to leave the session hall and abstain from the remainder of the session.
3. Excluding the member from sessions of the Legislative Council for a period not to exceed two (2) weeks. The decision of the Legislative Council shall be made during the same session, after listening to the member in question or his representative.

#### **Article 40**

If a member refuses to comply with a decision of the Legislative Council, the Speaker may adopt all measures necessary to implement the decision, including the interruption of the session, in which event, the penalty of exclusion from session imposed upon the member shall be doubled.

#### **Article 41**

In the case of disorder, the Speaker may announce his intention to interrupt a session and may do so for a period of up to thirty (30) minutes. If order is not restored upon the reconvening of the session, the Speaker may adjourn the session and announce the date and time for the next session.

### **Chapter V. Withdrawal of Membership**

#### **Article 42**

Membership shall be withdrawn in the following cases:

1. Death.
2. A final judgement by a competent court on a crime or misdemeanour violating honour or trust.

#### **Article 43**

Any proposal under paragraph 2 of Article 42 to deprive a person of membership shall be signed by ten (10) members of the Legislative Council and submitted to the Speaker. The Speaker shall notify the member concerned and shall bring the question before the Legislative Council at its first subsequent session.

#### **Article 44**

1. The Legislative Council shall refer any proposal in Article 43 to the Legal Committee, which shall discuss it at the Legal Committee's next session. The Legislative Council shall, unless it decides otherwise, suspend consideration of the proposal in the same session.
2. The member concerned shall have the right to defend himself before the Legal Committee and before the Legislative Council.

#### **Article 45**

If the report of the Legal Committee recommends deprivation of membership, the Legislative Council shall, upon the request of the member concerned or upon a vote of the Legislative Council, postpone the decision to a further session.

#### **Article 46**

The member subject to a proposal for the deprivation of membership may attend the session and participate in the debate on such proposal, but he shall leave the session while the Legislative Council votes upon it.

#### **Article 47**

The Legislative Council shall decide on a proposal for the deprivation of membership in secret vote by two-thirds (2/3) majority.



## **Part IV.**

### **Chapter I. Committees of the Legislative Council**

#### **Article 48**

1. The Legislative Council shall establish the following permanent committees, which shall discuss and report on all proposals referred to them by the Legislative Council or by the Speaker:
  - a) Jerusalem Committee.
  - b) Land and Settlement Resistance Committee.
  - c) Refugees Affairs Committee (Refugees, Expatriates, Displaced).
  - d) Political Committee (Negotiations, Arab and international relations).
  - e) Legal Committee (Basic Law, laws and the Judiciary).
  - f) Budget and Financial Affairs Committee.
  - g) Committee for Economic Affairs (Industry, commerce, housing, investments, supply, tourism and planning).
  - h) Interior Committee (Interior, security and local governance).
  - i) Education and Social Affairs Committee (Education, culture, media, religious affairs, historic sites, social affairs, health, work and labor, prisoners, martyrs, injured, war veterans, children, youth, and women).
  - j) Natural Resources and Energy Committee (Water, agriculture, rural areas, environment, energy, animal resources and fishing).
  - k) Committee for the Oversight of Human Rights and Public Freedoms.
2. The Legislative Council shall form a special committee called the 'Legislative Council's Affairs' Committee,' which shall comprise the Office of the Legislative Council in addition to some members.
3. The Legislative Council may form other ad hoc-committees to fulfill temporary or permanent purposes and specific objectives.
4. The Legislative Council shall determine at the beginning of each ordinary term the number of members in each permanent committee to ensure that the committees perform their work in an effective manner.

#### **Article 49: Selection of Committee Members**

1. The selection of the members of the committees shall be conducted in the first term of the Legislative Council. A member may submit a request to be appointed to any committee. The Office of the Legislative Council shall coordinate and consult with all applicants, after which the Speaker shall submit to the Legislative Council a final list of appointments for approval.
2. Upon proposal of the Office of the Legislative Council, the Legislative Council may change the composition of any committee at the beginning of the period of sessions of each year.

#### **Article 50**

Each member of the Legislative Council shall be a member of a committee. No member of the Legislative Committee may be a member of more than two committees.

#### **Article 51**

1. No minister may sit in any committee or be a member of the Office of the Legislative Council.

2. No member of the Office of the Legislative Council may sit in any of the committees set forth in Article 48 of this bylaw.

#### **Article 52**

1. Each committee shall elect a Chairman and a Secretary from among its members. In the absence of either, the remaining members of the committee shall elect a temporary replacement.
2. The Chairman and the Secretary of each committee shall be presented to the Legislative Council for approval, which approval shall require a relative majority.

### **Chapter II. Procedures of Committees**

#### **Article 53**

Each session of a committee shall be convened by its Chairman, upon the request of the Speaker in coordination with its Chairman, or upon the request of the majority of its members. The session shall be announced with not less than twenty-four (24) hours notice. The convening notice shall be accompanied by the agenda of the session.

#### **Article 54**

1. Committees shall meet in secret. The quorum for a committee shall be the majority of its members. Decisions of committees shall be made by a relative majority. In the case of a tie, the Chairman shall have a casting vote.
2. Committees may decide to hold public sessions.

#### **Article 55**

Minutes shall be taken of each session of a committee and shall include the names of the present and absent members, as well as a summary of the discussions held and the decisions made. The Chairman and the Secretary of the Committee shall sign the minutes.

#### **Article 56**

The Speaker shall refer to the competent committee all documents related to the subject referred to it and within its scope.

#### **Article 57**

A committee, through its Chairman, may request any minister or responsible person within the National Authority to clarify or give information on any point related to the subjects referred to it or which lie within its competence.

#### **Article 58**

1. A minister may attend the sessions of a committee. A committee may, through its Chairman, request any minister or concerned person to attend any of the committee's sessions.
2. A committee shall be addressed through its Chairman.

#### **Article 59**

1. A member of the Office of the Legislative Council may attend sessions of committees and participate in discussions, but shall not have the right to vote.
2. A member of the Legislative Council may attend any session of any committee of which he is not a member to participate in the discussion, but shall not have the right to vote.

### **Article 60: Reports of Committees**

Each committee shall submit a report regarding each subject referred to it, within the time-limit determined by the Legislative Council. If it fails to do so, the Speaker may ask the Chairman of the committee to explain the reasons for the delay and to determine the time that the committee deems necessary to complete its report. The Speaker may bring the question before the Legislative Council for decision. The Legislative Council may include this subject in its agenda.

### **Article 61**

Reports shall be submitted to the Speaker for inclusion in the agenda of the Legislative Council. Reports shall be printed and distributed to the members of the Legislative Council at least twenty-four (24) hours before the session which will discuss it.

### **Article 62**

Reports shall include the opinion of the committee on the subject referred to it with reasons and other opinions. Reports shall be accompanied by the recommendations of the committee and draft decisions, together with an explanatory memorandum.

### **Article 63**

Reports of committees shall be presented to the Legislative Council by the Chairman of each committee. In the absence of the committee Chairman, the Speaker shall ask the Secretary of the committee to present the report or the attending members of the committee to elect one member to present it.

### **Article 64**

A committee, through its Secretary, may request to withdraw a report for further review, even if the Legislative Council has already begun discussing it. Any such request shall be subject to the agreement of the Legislative Council.

## **Part V.**

### **Chapter I. Draft Laws and Proposals**

#### *First: Draft Laws and Proposals Submitted by the Council Of Ministers*

### **Article 65**

1. The Council of Ministers shall submit the text of a draft law or a proposal to the Speaker, accompanied by an explanatory memorandum. The Speaker shall refer each such draft law to the competent committee, which shall give its opinion in no later than two (2) weeks from the date of referral.
2. A copy of the draft law shall be distributed to all members of the Legislative Council at least three (3) days prior to the session of its first discussion in the Legislative Council.
3. Upon hearing the report of the committee, the Legislative Council shall begin a general discussion of the principles of the draft law before voting on its acceptance or rejection, to complete all necessary procedures. The Legislative Council may decide to begin the general discussion without awaiting the report of the competent committee.

4. Upon the general discussion of the draft law, the Legislative Council shall put it to vote for acceptance. If the Legislative Council votes not to accept the draft law, it shall be deemed not considered. If the Legislative Council votes to accept the draft law, the Council shall refer it to the competent committee to make the appropriate amendments in view of the general discussion.
5. If the Legislative Council votes to accept the draft law, the Speaker shall refer the draft law to the Legal Committee to express its required legal opinion.

#### **Article 66**

The Council of Ministers may request to withdraw any draft law it has submitted to the Legislative Council, provided that the Legislative Council has not voted on the acceptance of such draft law.

*Second: Draft Laws and Proposals Submitted by Members of the Legislative Council or by Committees*

#### **Article 67**

Any member or members of the Legislative Council or any of its committees may submit a proposal for a new law or for amending or repealing an existing law. Each such proposal shall be referred to the competent committee for its review and opinion. The report of the competent committee shall include a description of the general principles and an explanatory memorandum. The Legislative Council shall hear the report of the committee. If the Legislative Council accepts the proposal, it shall be forwarded to the Legal Committee, which will transform it into a full draft law. Once prepared, the full draft law shall be submitted again to the Legislative Council during the same or the following period of sessions.

#### **Article 68: Legislation Procedure**

1. Each draft law submitted to the Legislative Council shall be discussed in two separate readings as follows:
  - a) In the first reading, the articles shall be discussed one by one, at the conclusion of which the Legislative Council shall vote on the articles one by one and then on the draft law in its entirety.
  - b) The second reading shall occur not less than one (1) month after the date of approval at the first reading and shall be limited to discussing the proposed amendments and the voting thereon. Another vote shall take place for the final amended articles.
2. A third reading, limited to discussing proposed amendments, shall occur only upon the written request of the Council of Ministers or of one-fourth (1/4) of the members of the Legislative Council, provided that the request is submitted before referring the proposal to the President of the National Authority for promulgation.

#### **Article 69**

Draft laws shall be approved by absolute majority unless determined otherwise.

#### **Article 70**

Upon approval of the draft law at the third reading or within two (2) weeks from its approval at the second reading, the Speaker shall forward it to the President of the National Authority for promulgation and publication in the Official Gazette.

### **Article 71: Enactment of Laws**

1. The President of the National Authority shall promulgate the laws approved by the Legislative Council within one (1) month of his receipt of them. If he objects to a draft law, the President may refer the draft law back to the Legislative Council with his observations and the reasons for his objection within the same period. Otherwise, the law shall be deemed promulgated and be published in the Official Gazette.
2. If the President of the National Authority returns a draft law to the Legislative Council pursuant to the provisions under the preceding paragraph, the Legislative Council shall discuss the law again. If the Council approves the draft law a second time by the absolute majority of the Council, the law shall be considered in force and be published in the Official Gazette.

### **Article 72: Draft Laws Not Discussed by the Council**

The Speaker shall inform the Council of Ministries at the beginning of each legislative term of draft laws which have been submitted by the Council of Ministries and have not been accepted by the Council in accordance with Article (65). If the Council of Ministries does not request to discuss them, the draft laws shall be considered as if they do not exist. If the Council of Ministries requests a debate on these draft laws, the provisions of Article (65) of this bylaw shall apply.

### **Article 73: Proposals to Amend or Revise the Basic Law**

1. Any proposal to amend or revise the Basic Law shall be submitted by Articles in writing and accompanied by an explanatory memorandum.
2. If the proposal for amendment or revision is submitted by Member [of the Council], it must be signed by one-third (1/3) of the Members.
3. Upon receiving the proposal for amendment, the Speaker shall inform the Legislative Council and refer the proposal to the Legal Committee for its review and opinion.
4. Upon the return of the proposal by the Legal Committee to the Legislative Council, the Legislative Council shall hear the report of the Legal Committee and decide by relative majority to accept or reject the proposal. If the Legislative Council disapproves the proposal, it shall be rejected. If the Legislative Council approves the proposal, it shall be discussed pursuant to Article 68 of this bylaw.
5. Any amendment or revision of the Basic Law shall require the approval of two-thirds (2/3) of the members of the Legislative Council.

### **Article 74: Budget Draft Law**

1. The Council of Ministers shall submit the Draft General Budget Law to the Legislative Council not less than two (2) months prior to the beginning of the next fiscal year.
2. The Legislative Council shall refer the Draft General Budget Law to the Budget and Financial Affairs Committee to study it and to submit that committee's detailed report and recommendations to the Legislative Council.
3. The Legislative Council shall convene a special session to discuss the Draft General Budget Law in view of the report and recommendations of the Budget and Financial Affairs Committee and shall, within one (1) month of its receipt, either approve the budget with the amendments prior to the beginning of the new fiscal year or send it back to the Council of Ministers accompanied by the Legislative Council's comments. The Council of Ministers shall, within a period not to exceed two (2) weeks from the date of receipt, introduce the required amendments and resubmit the budget to the Legislative Council for approval.

4. The voting of the Legislative Council on the budget shall be title by title.
5. Transfer of funds between the various budget titles shall not be permitted unless it is agreed upon by the Legislative Council and the Executive.
6. If the annual budget is not approved by the beginning of the new fiscal year, expenditures shall continue on the basis of a monthly allocation of one-twelfth (1/12) of the budget of the previous fiscal year, for each month within a period not to exceed three (3) months.

## **Chapter II. Inquiries and Interpellations**

### **Article 75**

1. A member of the Legislative Council shall have the right to address inquiries and interpellations to ministers to inquire about any subject of interest to the member, to verify the occurrence of an event, or to clarify procedures that were taken or should be taken to deal with any subject.
2. The inquiry or interpellation shall be clear, specific and without any comments.

### **Article 76: Conditions for Inquiries**

An inquiry shall be submitted in writing to the Speaker, who shall refer it to the respective minister and put it on the agenda of the next session, provided that the next session is not less than one (1) week from the date on which the inquiry was submitted to the minister. The Legislative Council shall assign the first half hour of the session for consideration of inquiries, unless it decides otherwise.

### **Article 77**

The minister shall answer the inquiry addressed to him and included on the agenda, but may ask to postpone his answer to another session assigned by the Legislative Council. In case of urgency, the minister shall have the right to ask for leave to answer an inquiry addressed to him in the first session after his receipt of the inquiry, even if it is not on the agenda. The minister shall inform the Speaker about the inquiry, and it shall be indicated in the minutes of that session.

### **Article 78**

The member who submitted an inquiry may ask only once that the minister for clarification and to comment on the answer.

### **Article 79**

The provisions relating to inquiries shall not apply to questions made orally by members to ministers in the course of a discussion in the Legislative Council.

### **Article 80: Conditions and Procedures of Interpellations**

1. An interpellation shall be submitted in writing to the Speaker, who shall assign a date to read and discuss it as soon as possible. The date of the discussion of an interpellation shall be decided upon hearing the answer of the minister. The discussions shall not exceed ten (10) days.
2. Interpellations shall have priority over all issues on the agenda except inquiries.
3. Any member may ask the minister to inform him about any documents related to the interpellation before the Legislative Council. Such a request shall be submitted in writing to the Office of the Legislative Council.
4. The member submitting the interpellation shall explain it to the Legislative Council. Upon the reply of the minister, other members may participate in the discussion. If the member submitting the interpellation is not satisfied with the answer of the minister, he



may explain his reasons. He or any other member may submit a request to withdraw confidence from the Council of Ministers or the individual minister pursuant to the provisions of the Constitution.

5. A member submitting an interpellation may withdraw it, in which event it shall not be discussed, except upon the request of five (5) or more members of the Legislative Council.

### **Chapter III. Urgency Procedure**

#### **Article 81**

The Legislative Council may decide to adopt urgency procedure to deal with any subject before it, including motions of confidence or non-confidence, motions of reprimand, or criticisms concerning the Executive or any minister. The Legislative Council shall decide in the following cases without discussion:

1. Upon the substantiated request in writing by five (5) members.
2. Upon the request of the Council of Ministers.
3. Upon the request of the competent committee.

#### **Article 82**

The Legislative Council and its committees shall deal with subjects under urgency procedure before any other issue. No time limits shall apply. The Legislative Council may decide to discuss the subject during the same session, in which event the competent committee shall report to the Legislative Council immediately, orally or in writing.

#### **Article 83**

Subjects discussed by the Legislative Council under urgency procedure may be discussed again under the circumstances set forth in this bylaw. They shall not be subject to the otherwise relevant time limits.

#### **Article 84**

1. If the subject discussed under urgency procedure is a draft law, the Legislative Council shall refer it to the competent committee, which shall first determine whether the draft law shall be discussed and secondly shall examine the content of the draft law. The committee shall report to the Legislative Council on both matters. The subject shall then be submitted to the Legislative Council, which shall decide on the discussion of the proposal. If the Legislative Council decides in favour of discussing the draft law, the Legislative Council shall proceed to discuss the draft law.
2. If necessary, the Legislative Council may by decision of absolute majority decide to discuss a draft law without prior reference to the competent committee.

#### **Article 85**

Subjects that the Legislative Council declines to discuss under urgency procedure may be submitted again, but no sooner than one (1) month from the date that the Legislative Council declined to discuss the matter under urgency procedure. However, the Legislative Council may submit a question again in less than one (1) month by decision of absolute majority.

## **Chapter IV. Close of Discussion**

### **Article 86**

The discussion of any subject before the Legislative Council shall be closed upon the decision of the Legislative Council, provided that at least two supporters and two opponents of the proposal speak and in the following cases:

1. a) Upon proposal of the Speaker if he believes that there is no need for further discussion.  
b) Upon the request of at least five (5) members.
2. A competent minister shall always be given the right to reply to the discussion. Only one supporter and one opponent of the proposal to close the discussion shall speak, each for a period not to exceed five (5) minutes. Priority shall be given to the member who requested to speak on the original subject. After this, the Legislative Council shall vote on whether to close or to continue the discussion on the subject. If the Legislative Council approves the proposal, it shall proceed to decide on the original subject.

### **Article 87**

No member may request to speak after the close of the discussion and before voting, except to decide on the form of the proposal to be voted upon.

## **Chapter V. Vote of the Legislative Council**

### **Article 88**

Only the Speaker may put a subject to vote.

### **Article 89**

1. Decisions of the Legislative Council shall be made by absolute majority. In the event of a tie, the vote shall be retaken only once. If the tie is not resolved, the Speaker shall have a casting vote.
2. The provisions under paragraph 1 shall not apply where this bylaw determines otherwise.

### **Article 90**

If the subject submitted for discussion contains several questions, any member may request, with the agreement of the Speaker, for the subject to be divided. Each part will then be voted upon separately.

### **Article 91**

An abstaining member may explain his reasons for doing so after the vote and before the announcement of the result of the vote.

### **Article 92**

Abstentions shall not be counted with votes in favor or with votes against. If the total of the votes in favor and the votes against is less than the quorum, the vote shall be postponed to a further session. In the second session, decisions shall be made by relative majority.

### **Article 93**

1. Before any vote, the required quorum for the subject submitted for decision shall be verified.
2. Upon the beginning of the vote, nobody may interrupt the voting, unless to clarify the procedure of the vote.

3. If the vote concerns the Basic Law, it shall be taken by calling up the members by their names and in high voice.
4. Except in the case under paragraph 3, any vote shall be taken by show of hands, by standing and sitting, or by secret vote if a relative majority decides so.

#### **Article 94**

The Speaker shall announce decisions of the Legislative Council as per the result of the voting. No discussion may take place on a subject voted upon, unless the absolute majority demands so or this bylaw determines otherwise.

### **Part V.**

#### **Chapter I. Immunity of Members**

#### **Article 95**

1. Members may not be questioned in civil or criminal proceedings due to opinions they express, facts they mention, their voting in Legislative Council sessions or committee meetings, or because of any action they perform outside of the Legislative Council in the course of performing their parliamentary duties.
2. No member shall be interfered with in any manner, nor shall any search be made of the possessions of a member, his home, place of residence, motor vehicle, office, or any real estate or movable property belonging to the member, throughout the period of immunity.
3. No member shall be required during the period of membership, or subsequently, to testify on any subject regarding Legislative Council-related actions, statements, or information obtained as the result of his membership in the Legislative Council, unless the member voluntarily agrees to do so and has the approval of the Legislative Council
4. No criminal measures shall be taken against any member, unless he is found in the immediate commission of a crime. The Legislative Council shall be notified immediately about measures taken against a member, so that the Legislative Council may decide upon its proper course of action. The Office of the Legislative Council shall assume this responsibility if the Legislative Council is not in session.
5. A member shall not relinquish parliamentary immunity without prior approval of the Legislative Council. The decision shall be taken by the absolute majority of the Legislative Council. Immunity shall not lapse upon the end of the membership in the Legislative Council, in the limits prevailing during the period of membership.

#### **Article 96**

1. A request to deprive a member of immunity shall be submitted in writing to the Speaker by the Attorney-General, accompanied by a memorandum including the details of all alleged crime, its place and date, and the required proof of criminal proceedings.
2. The Speaker shall refer each such request to the Legal Committee and inform the Legislative Council about each such request.
3. The Legal Committee shall study each such request and submit a report to the Legislative Council, which shall decide whether to deprive a member of immunity by two-thirds (2/3) majority.
4. A member deprived of immunity and not arrested shall have the right to attend sessions of the Legislative Council and the committees and to participate in discussions and votes.

### **Article 97**

No member shall appear before the civil courts on the days of Legislative Council sessions, whether as plaintiff, defendant, or witness.

### **Article 98**

Members of the Legislative Council may not combine their membership in the Legislative Council with positions in the Executive, with the exception of the position of minister.

## **Article 99: Rights and Duties of Members**

### *First: Rights*

A member shall have the following rights:

1. Parliamentary immunity as set forth in Articles 95, 96 and 97 of this Chapter.
2. A monthly remuneration determined by decision of the Legislative Council.
3. A work allowance for every session of the Legislative Council and the committees determined by decision of the Legislative Council.
4. Without prejudice to any other provisions adopted in this regard, a member shall be exempted from paying taxes for one vehicle only. The Legislative Council shall pay the insurance, licensing fees, and maintenance of the vehicle for the duration of his membership.
5. A member or his heirs shall receive a monthly annuity of seventy-five (75%) percent of his remuneration, beginning directly upon the end of his membership. It shall be prohibited to combine such annuity with any salary or pension disbursed from the General Treasury.
6. A member and his wife shall each receive a permanent diplomatic passport.

### *Second: Duties and Impedimenta*

Pursuant to the provisions of this bylaw and the law, a member shall have the following duties:

1. Regular attendance at each session of the Legislative Council and the committees of which he is a member.
2. Not to use information obtained in the capacity of his membership for any purpose other than parliamentary work.
3. Not to buy or rent any state property, or to let, sell or barter to the State any of his funds or property, or to enter in any contractual relation with the State as concessionary, supplier or contractor, unless the contract is done pursuant to the laws or regulations in force. Under no circumstances may he use his position to obtain special and unjustified privileges.
4. Not to represent the Government or negotiate on its behalf in exchange for any payment.
5. Not to act as an agent in a case in which the National Authority is a litigant.

## **Chapter II. Complaints and Petitions**

### **Article 100**

Every Palestinian shall have the right to file with the Legislative Council complaints and petitions concerning public affairs. Each such complaint or petition shall be signed by the petitioner and shall include his name, profession and full address. If the complaint or petition is submitted on behalf of a group or association, it shall be signed by a legal entity or a juridical person. Complaints may not include impolite or inappropriate language.

### **Article 101**

Each complaint or petition shall be registered in the order of its submission and given a serial number. The name, address and profession of the petitioner shall be recorded, together with a summary of the subject. The Speaker may order to be put on hold complaints and petitions not meeting the requirements and shall inform so the petitioner.

### **Article 102**

1. The Speaker shall refer complaints and petitions to the Complaints Unit. If the complaint or petition is linked to a subject previously referred to a committee, it shall be forwarded to the same committee for scrutiny.
2. The Complaints Unit shall examine each complaint and petition and shall recommend in a report to the Office of the Legislative Council whether each should be sent to the Council of Ministers or the competent committee or should be rejected.

### **Article 103**

The Legislative Council may ask ministers to clarify any complaint or petition referred to it.

### **Article 104**

The Speaker shall inform the petitioner about the procedures taken with regard to the complaint or petition.

## **Chapter III. Absence of Members and Permissions**

### **Article 105**

No member of the Legislative Council may be absent without informing the Speaker and giving a reason. No member may be absent for more than three (3) consecutive sessions without the permission of the Speaker. If necessary, the Speaker may give a member a one (1) month leave. The Speaker shall inform the Legislative Council about each such leave.

### **Article 106**

1. A member who is absent from the sessions of the Council or its committees, or is absent for a period exceeding the granted leave, shall be deemed to have renounced his allowances for the period of his absence, and the Speaker may exhort the member. The Legislative Council may, upon the proposal of the Speaker, reprimand such member.
2. If a member of a committee is absent without permission or justified reason for three (3) consecutive or seven (7) non-consecutive sessions during the same period of sessions, he shall be deemed to have resigned from the committee. The Secretary of the committee shall inform the Speaker of each such occurrence.

## **Chapter IV. Maintaining Order in the Council**

### **Article 107**

1. The Legislative Council shall be responsible for maintaining order and security on its premises. For these purposes, a special police force for the Legislative Council shall be established, pursuant to regulations determined by the Legislative Council. The Speaker shall oversee the execution of the above.
2. No Security Forces or Police shall enter the premises of the Legislative Council, unless by decision of the Speaker.

### **Article 108**

No person may enter the chamber of the Legislative Council for any reason while it is in session, with the exception of its members, staff and employees.

### **Article 109**

Persons who are permitted to observe sessions of the Legislative Council and cause disturbances or breach the order shall be asked to leave the session. If a person is asked to leave, but refuses to do so, the Speaker may order that he be removed from the session and appropriate measures be taken against him.

## **Chapter V. Resignation**

### **Article 110**

A member wishing to resign shall submit his unconditional resignation to the Speaker. The Speaker shall submit such resignation to the Legislative Council no sooner than two (2) weeks after its receipt or at the first session to be convened after its receipt, whichever occurs first. Resignations shall be not be deemed final until presented to the Legislative Council, which shall decide on the vacancy of the position of the resigning member.

### **Article 111**

A member who has resigned may withdraw such resignation in writing to the Speaker before it is presented to the Legislative Council.

### **Article 112**

The Speaker shall inform the Council of Ministers of each vacancy in the electoral constituencies so that each vacancy may be filled pursuant to the Elections Law of the President of the National Authority and the members of the Legislative Council.

## **Chapter VI. General Provisions**

### **Article 113**

If the Legislative Council is to form a representative delegation, the Office of the Legislative Council shall determine the number of members, select them, and present their names to the Legislative Council for approval. If the Legislative Council does not approve the proposal, the members of the delegation shall be elected. If the Speaker or one of the Deputy-Speakers is a member of a delegation, he shall preside over it. Otherwise, the Legislative Council shall appoint the president of the delegation.

### **Article 114**

This bylaw may be amended only upon a proposal of the Speaker or one-third (1/3) of the members of the Legislative Council. Each such proposal shall be submitted to the Legislative Council, which shall refer it to the Legal Committee. The Legal Committee shall study it and submit its recommendations to the Legislative Council within a period not to exceed one (1) month. Otherwise, the Legislative Council may consider the proposal directly. Amendments shall not be accepted unless approved by the absolute majority of the Legislative Council.



## **Article 115**

This bylaw shall enter into force upon its approval and shall be published in the Official Gazette. All other related legislation or regulations previously in force in Palestine are hereby repealed.

