

**THE ADMINISTRATION OF PARLIAMENT
(AMENDMENT) ACT, 2006.**

An Act to amend the Administration of Parliament Act to provide for inclusion of the Leader of the Opposition in the membership of the Parliamentary Commission and to provide for the manner of choosing and ceasing to hold office, the status, role and functions of and the benefits and privileges to be attached to the office of Leader of the Opposition; to provide for a Government Chief Whip and a Chief Opposition Whip and Party Whips in Parliament and their roles; and for related matters.

DATE OF ASSENT: 31st May, 2006.

Date of Commencement: 4th August, 2006.

BE IT ENACTED by Parliament as follows:

1. Amendment of Cap. 257.

The Administration of Parliament Act, in this Act referred to as the principal Act, is amended in section 1, as follows—

- (a) by inserting immediately before paragraph (a) the following—

“(a1) “Chief Opposition Whip” means the person referred to in section 61”;

(b) by inserting immediately after paragraph (d) the following—

“(da) “Government Chief Whip” means the person referred to in section 6H”;

(c) by inserting immediately after paragraph (e) the following—

“(ea) “Leader of the Opposition” means the member of Parliament who is the leader in Parliament of the party in opposition to the Government and having the greatest numerical strength in Parliament”.

(b) by inserting immediately after paragraph (f) the following—

“(fa) “Party Whip” means the person referred to in section 6J”;

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended by substituting for subsection (2) the following—

“(2) The Commission shall be composed of the Speaker, the Leader of Government Business or his or her nominee, the Leader of the Opposition or his or her nominee, the Minister responsible for finance and four members of Parliament one of whom shall come from the opposition and none of whom shall be a Minister.

(2a) Without prejudice to subsection (2), one of the four Members of Parliament referred to in that subsection shall be a woman.

(2b) Nomination of the candidates for election to the Commission of the four members of Parliament referred to in subsection (2) shall be made by the Government and opposition sides.

(2c) The four Members of Parliament referred to in subsection (2) shall hold office as members of the Commission for two and a half years”.

3. Insertion of new Parts IIA and IIB.

The principal Act is amended by inserting immediately after Part II the following—

“PART IIA—LEADER OF THE OPPOSITION

“6A. Leader of the Opposition.

As required by article 82A of the Constitution, there shall be in Parliament under the multiparty system, a "Leader of the Opposition.”

“6B. How Leader of Opposition to be chosen.

(1) Subject to subsections (2) and (3), the Leader of the Opposition shall be elected by the party in opposition to the Government having the greatest numerical strength in Parliament.

(2) In electing the Leader of the Opposition the party to which he or she belongs may consult other political parties in opposition to the Government and the independent members of Parliament.

(3) A person elected Leader of the Opposition under this section shall take office upon a formal announcement by the Speaker.

6C. How Leader of the Opposition ceases to hold office.

The Leader of the Opposition ceases to hold that office—

- (a) if removed by the party that elected him or her;
- (b) if he or she resigns from that office;
- (c) if he or she leaves the party which elected him or her;
- (d) if he or she ceases to be a member of Parliament under article 83 of the Constitution;
- (e) if the party which elected him or her ceases to have the position in Parliament described in section 6B(1).

6D. Status of the Leader of the Opposition.

The Leader of the Opposition shall be accorded the status of a Cabinet Minister.

6E. Role and functions of Leader of the Opposition.

(1) The principal role of the Leader of the Opposition is to keep the government in check.

(2) The Leader of the Opposition shall under subsection (1), in consultation with his or her party leadership appoint a shadow cabinet from members of the opposition in Parliament with portfolios and functions that correspond to those of Cabinet Ministers.

(3) The Leader of the Opposition shall be a member of the Committee of Parliament responsible for determining and scheduling of business in Parliament and the Committee responsible for appointments and shall hold regular consultations with the Leader of Government Business and the Speaker.

(4) The Leader of the Opposition shall study all policy statements of government with his or her shadow ministers and attend committee deliberations on policy issues and give their party's views and opinions and propose possible alternatives.

6F. Benefits and privileges of Leader of the Opposition.

(1) The Leader of the Opposition being a member of Parliament shall enjoy all benefits and privileges of a member of Parliament.

(2) The benefits and privileges of the Leader of the Opposition shall be the same as those of a Cabinet Minister.

6G. Rules to prescribe other matters.

In addition to the provisions of this Part, the Rules of Procedure of Parliament may prescribe other matters in relation to the office of the Leader of the Opposition consistent with the status conferred on the holder by this Act.

PART IIB—CHIEF WHIPS AND PARTY WHIPS**6H. Government Chief Whip.**

(1) There shall be in Parliament a Government Chief Whip appointed by the Government from among members of Parliament representing the ruling party.

(2) The role and functions of the Government Chief Whip is to ensure due attendance, participation in proceedings and voting in Parliament of members of the ruling party.

(3) The Government Chief Whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.

6I. The Chief Opposition Whip.

(1) There shall be in Parliament a Chief Opposition Whip appointed by the party in opposition to the Government and having the greatest numerical strength in Parliament.

(2) The role and functions of the Chief Opposition Whip is to ensure due attendance, participation in proceedings and voting in Parliament of members of the party in opposition to the Government and having the greatest numerical strength in Parliament.

(3) The Chief Opposition Whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.

6J. The Party Whips.

(1) A party in opposition may appoint its party whip.

(2) The role and functions of a party whip is to ensure due attendance, participation in proceedings and voting in Parliament of members of the party.

(3) The party whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.”

Cross References

The Constitution

The Administration of Parliament Act, Cap 257