

[Legal Notice No. 11]

**GOVERNING RULES OF THE
PROVINCIAL EXECUTIVE
OF
CENTRAL PROVINCE
1994**

1. These Rules may be cited as the Central Province Government Rules 1994 and shall come into effect on publication in the S.I. Gazette.

Short title.

2. Subject to the Provincial Government Act - No. 7 of 1981, any other enactments and any rule of law, the provincial Executive shall discharge its functions in accordance with these Governing Rules.

3. (a) The Premier shall be the Chairman of the Provincial Executive.

Organization.

(b) The Premier shall appoint a member of the Executive to be Deputy Premier who shall preside at meetings of the Provincial Executive in the absence of the Premier, or pending the election of a new Premier, or where the Premier has died, resigned or has been disqualified.

4. (a) The Premier shall, in writing -

Responsibility.

(1) assign to each member of the Executive responsibility for the conduct of specified business of the Executive;

(2) designate each member so assigned as the "Minister for" a specific business area or the Executive; and

(3) include in the assignment a brief description of the responsibilities of the Minister.

(b) Individual members of the Provincial Executive are expected to handle all matters within their area of responsibility in a manner consistent with Provincial policy or any matter which to the knowledge of the member may be a public interest. If a member is uncertain of any matter he may refer it to the Full Executive.

(c) Within 3 months after the end of the financial year, each member of the Executive shall, in his capacity as Minister, lay on table of the Provincial Assembly a Report for that financial year regarding the Ministry for which he/she is responsible.

- Subject or title. 5. A member at the Executive, who is not disqualified for membership of the Provincial Assembly, shall not discharge any of his functions as a member of the Executive.
- (a) While he stands charged with an offense if, on conviction, he would be liable to a term of imprisonment of six month or more; or
 - (b) If he is liable to be detained as a patient in a mental hospital under the Mental Treatment Act 1970.
- Meetings. 6. (a) The Provincial Executive shall meet as determined by the Premier. Meetings shall begin when more than half is present and no business may be conducted unless more than half is present. Minutes of the meetings shall be provide to all Executive members.
- (b) Decisions shall be made by majority vote. Each members including the Chairman shall have one vote and any vote resulting in a tie the Chairman shall cast the deciding vote.
 - (c) The Provincial Secretary or an officer appointed by him shall be Secretary to the Provincial Executive and attend all meetings. He shall prepare the agenda, ensuring that all administrative matters are included.
 - (d) The Premier shall ensure the presence at a meeting of any Provincial staff necessary to assist the Provincial Executive with its agenda. Any member of the Provincial staff invited to attend any meeting may fully participate in discussions concerning matters within his responsibility.
 - (e) As Chairman of the Provincial Executive, the Premier shall ensure that the agenda is covered quickly but thoroughly. The Executive Ministers shall introduce matters relating to their portfolio. Then the matter shall be open for full discussion by all members. Members may ask question of others. Members may state their opinions and position. No vote will be taken until a motion is made. No suggestion or idea will be voted on unless the member makes it a motion. Voting on motions shall be in the order made.
 - (f) The Premier may make more specific rules of debate.
 - (g) All votings shall be by a show of hands.
- Authority. 7. Where the Premier or any member of the Executive has authority to enter into or sign an agreement in the course of conducting the business of the Executive:

- (a) Such agreement shall be in writing; the execution of the agreement by the Premier or any member of the Executive so authorized shall be witnessed **by another member of the Executive** and by the Provincial Secretary and by the Provincial Treasurer, who shall append their signatures to the agreement as witnesses; or alternatively,
- (b) the execution of the agreement by the Premier or any member of the Executive so authorized shall be witnessed by the Provincial Secretary or the Provincial Treasurer, and by another member of the Executive, who shall append their signatures to the agreement as witnesses; and
- (c) A copy of each such agreement shall be kept in file of agreements to be maintained by the Provincial Secretary.

8. All property, rights, liabilities or obligation of the Provincial Assembly, the Executive, or the Premier shall be subject to the following requirements.

Property, rights,
liabilities or
obligations.

- (a) All property, rights, liabilities, or obligations which immediately before the Second Appointed Day for Central Province as provided for in the Provincial Government Act No. 7 of 1981, were property, rights, liabilities, or obligations of the Second Appointed Day and without further assurance, vest in the Premier for and on behalf of the Provincial Assembly;
- (b) All property, rights liabilities, or obligations acquired or incurred on or after said Second Appointed Day, by whatever means, by the Provincial Assembly, the Executive or the Premier, shall, without further assurance vest in Premier for and on half of the Provincial Assembly;
- (c) All property rights, liabilities or obligations which vest in the Premier pursuant to this Rule shall be held by the Premier during the time holding that office, or pending election of a new Premier, by the Deputy Premier.

9. The Premier, member of the Provincial Executive, Provincial staff member or other person acting pursuant to the direction of the Province shall not be personally liable for any act or omission done in good faith, within the scope of his authority or pursuant to Provincial Ordinance, standing order, Government Rule, subsidiary legislation, Assembly resolution or policy.

Personal.

Subsidiary
Legislation.

10. Pursuant to Section 26 (6) of the Provincial Government Act of 1981, the Provincial Executive may make subsidiary legislation.

Where power is conferred upon the Executive by any Ordinance or other enactment to make orders, rules or regulations (in this rule called "subsidiary legislation"), then in addition to the requirements of such Ordinance or other enactment, the subsidiary legislation:

- (a) Shall be laid on the table at the next sitting of the Provincial Assembly;
- (b) Shall be displayed on the public notice board at each administrative Headquarters of the Province and at each Area Council Headquarters for not less than seven (7) days as soon as practical after the effective date thereof; and
- (c) May be revoked by the Assembly at its next meeting, but such revocation shall not affect the validity of anything previously done under the subsidiary legislation.

Amendment.

11. These Governing rules may be amended from time to time by the Provincial Assembly.

Supercession.

12. These Governing Rules of 1994 shall supercede any and all Governing Rules or Constitutional Rules heretofore made and approved by the Provincial Assembly.

These Governing Rules of the Central Provincial Executive passed by the Central Province Assembly on this twenty-second day of September, 1994.

M. MANU
Clerk to Assembly - Central Province