III* Procedures for reform of Standing Orders/Rules of Procedure

1. Introductory note by Mr Manuel Alba Navarro, March 1992

1. General introduction

1. If Parliament normally occupies a predominant position in the political and constitutional framework, then it may also be said that Standing Orders, i.e. the central rules governing its functions, play a similar role within this said framework.

The Standing Orders, which form the basic nucleus of Parliamentary Law, thus enjoy an essential condition from this role: their *dynamic nature.* If there is one area of the body of laws which is linked to the everyday reality of the progress of political life, then that area is doubtless Parliamentary Law. Thus, some have stated that Parliamentary Law is similar to a "constitutional clinic" which adapts static constitutional considerations to dynamic political ones. Since political life is highly dynamic by its very nature, it would be a hard task to provide Standing Orders with a perennial and unchanging nature. Parliamentary Law is characterised by its necessary *flexibility,* which is vital in order to adapt to an ever-changing reality.

There are times when this is so self-evident that the Standing Orders themselves provide the obligation for the recently-constituted Chamber to study matters of procedure and to adopt such additions or modifications to the Regulations that it may see fit. This, for example, is the solution contained in Section 73 of the Standing Orders of the Irish Chamber of Representatives (Dáil).

This dynamic nature of Parliamentary Law leads to the statement that Standing Orders do not have the same nature of permanence or stability that may be assigned to laws. On the contrary, in their origin, according to the British tradition, Standing Orders are reformed by Parliament itself at any time by means of a flexible procedure which is different from that laid down for passing laws. Each new elected Parliament chooses its own new Standing Orders without any involvement from the other Chamber.

However, developments in this field show an undeniable tendency towards granting greater stability to Standing Orders. We should not forget, among other factors of greater or lesser importance, that Standing Orders, as an instrument for support and guarantee of the rights of parliamentary minorities, may not be forever subject to the changing dictates of new majority groups. In other words, Standing Orders have been influenced by the tendency towards constitutionalism when granting stability and, therefore, consensus and legitimacy, to the rules governing the basic structure of the State, the principles which uphold it and the functioning of its bodies.

2. In this clear tension between the unavoidable speed and dynamic nature of political life to which Standing Orders are applied and the role of guarantor that they possess - which could be undermined by excessive frequency of changes in the Standing Orders - we should not forget another important aspect. Standing Orders are, in most cases, the fruit of a more general autonomy as far as rules are concerned which is granted to Parliaments in order to authorise them to adopt their own rules. It is the Chamber itself which approves the basic rule governing its conduct. Standing Orders are born out of the exercise of an act of direct democracy since each Chamber creates the Law and each Chamber is the receiver of it in the exercise of a "sui generis" constituent power which normally operates by consensus.

Only from this perspective may we understand certain mechanisms which will be described below and which would be unthinkable in other areas of the legal system.

2. Interpretation of the regulation

1. The first and mildest way of reforming the Standing Orders is doubtless by modifying their interpretation and a pure and simple application of hermeneutic mechanisms may doubtless give rise to a "de facto" reform of Standing Orders.

This is not a question purely of legal doctrine in which the opinion of one author may be as valid as that of any other. As is the case with judicial interpretation, in the area of Parliament Law, when we refer to the "power to interpret" we are referring to the power of imposition held by a person upon whom such power has been conferred: the interpretation itself of the rule, excluding all the rest. This is an "authoritarian" power which is exercised by the governing bodies of the Chambers of a power of decision-making which must be respected.

2. Within this channel for possible, fairly covert reform of Regulations, it has become normal practice to grant to the Speakers of Chambers the power to interpret the Regulations. This in itself is one of the most significant tasks included in the Speaker's functions.

This power must be exercised exclusively and without the support of any consultant or else by including other bodies from the Chambers in the process towards the Speaker's decision, though normally as mere consultants.

This function is doubtless a more or less generalised part of the acknowledgement of the role of the Speaker as Speaker of the whole Chamber and not as a member or a particular political party or group.

In some cases the power of interpretation is not conferred on the Speaker, but on the Bureau of the Chamber as the governing body, with the possibility of lodging an appeal before the Plenary Sittings against the Bureau's decision (c.f. the case of Section 248 of the Standing Orders of the Assembly of the Portuguese Republic). In this procedure the Bureau may hear the Standing Orders Commission as many times as it may see fit.

3. The existence of gaps in the regulations

1. No legal rule, and Standing Orders are no exception, may provide in advance, a sufficient length of time beforehand, for each and every one of the circumstances to which they will have to be applied. Going one step further, this is a question not of the interpretation of a rule, but of the absence of a rule to govern a specific situation. In other words, it is a question of what are technically known as legal gaps.

However, the general theory of Law contains a distinction which, as we will describe below, is particularly useful in the parliamentary field. On the one hand there are the *gaps themselves* which appear objectively as such, i.e. as omissions in the text of the rule; and on the other hand there are what could be referred to as *ideological gaps,* which arise out of the confrontation between the real system and the ideal system and which give rise, in the consciousness by those who must apply the rule, to an awareness of the absence of a response.

2. In the first of these cases, the normal situation is to grant to the Speaker the power to dictate supplementary rules to the Standing Orders which, either permanently or for the specific case, allow a response to the question posed. We could classify these situations, conventionally, as follows:

- *Objective* rulings by the Speaker, for the purpose of filling gaps in the regulations arising as a result of normative or jurisdictional acts outside the Regulations themselves and not provided for by them. One example of this is a law establishing that the members of a certain body should be elected by the Chamber or that a certain external report should be referred to Parliament for approval.
- *Procedural* rulings by the Speaker, for the purpose of developing or completing, for reasons **of** flexibility or efficiency, procedures already contemplated in the Regulations.

It is clear that in these cases the mechanism of analogical interpretation takes precedence and the solutions adopted are normally along the lines of the mechanisms already existing in the Standing Orders themselves.

In these cases, according to the country in question, the Speaker may freely dictate a supplementary rule or else demand a meeting of other bodies such as the Bureau or the Board of Leaders of parliamentary groups for the final drafting of the said rule.

3. A more interesting case is that which could be described as *"non-application"* of the Standing Orders. This refers to those cases in which, although there actually exists a provision in the Standing Orders that, in principle, would be applicable to the case in question, the pre-established solution does not satisfy those to whom it must be applied, i.e. Members of parliament and political groups.

This situation, which may cause some surprise from a theoretical point of view, is contemplated in various Standing Orders. Thus, for example, Section 126 of the Bundestag Regulations, which provides the possibility of handing down rulings which differ from the provisions contained in the Regulations, provided that these rulings are not contrary to the Constitutional Law and that they are approved by the vote in favour of two thirds of the members. Section 43 of the Standing Orders of the Danish Folketing appears to provide a similar solution which allows non-application of the Standing Orders provided that it is not contrary to the Constitution and that the proposal is approved by three quarters of the Deputies. Section 165 of the Dutch Tweede Kamer is a further example of this.

It is true that we are faced here with a situation which is structurally opposed to the principle of legal security. It provides an excellent example of what is known as "singular repealing of the Regulations", in other words the specific exception for a situation contemplated in a general manner. In view of this situation we may wonder why something that is denied outright for the rest

of the body of laws is accepted (even expressly) in the parliamentary field. In our opinion, this may only be explained by the characteristic of flexibility and the dynamic nature of parliamentary life described above. However, is it possible to see this as a correct model? If the answer has to be merely theoretical then it should be in the negative. However it is necessary to take several factors into account. Firstly, in view of the temptation for Parliamentary Groups to evade the Standing Orders, the provision of a rule in the Standing Orders which pre-establishes the mechanism for excluding the application of the Standing Orders would not appear to be unreasonable. Secondly, where this procedure exists, important limits are usually observed such as submission to the Constitution and qualified or reinforced majorities for its adoption. Finally, those parliamentary systems which observe precedent and not the Regulations "stricto sensu", do not always scrupulously observe the precedent itself, since there is always a first time when the design of the solution is newly-minted and serves as a precedent for subsequent occassions.

4. Parliamentary reform "stricto sensu"

1. As we have stated above, the flexible nature of the body of parliamentary laws and, more specifically, the Standing Orders, has not served to halt a clear tendency towards stability and formality in the Standing Orders themselves.

The clearest example of this policy with regard to rules is the French case, where the Constitution requires (Sections 46.3 and 4) that Standing Orders be passed by means of an Organic Act, following the procedure established in the Standing Orders themselves.

With a greater or lesser degree of strictness, almost all Standing Orders normally contain a group of rules intended to govern their own reform.

2. The first question is that of the *initiative* itself for reform of the Regulations. Solutions in this field vary greatly. While there are Standing Orders which allow any member of parliament to introduce the reform of the Standing Orders, others are more restrictive, granting the initiative to a more or less qualified minority of members, or to the Parliamentary Groups themselves.

One common characteristic, however, is the exclusive granting of initiative for reform to members, excluding the executive authority or other bodies or collective groups which may be granted legislative initiative in the strict sense. This feature is an inevitable consequence of the aforesaid autonomy of Parliament as far as rules are concerned. Where Standing Orders are imposed by

authorities outside of Parliament, the observations set out here would vary appreciably.

3. Another different question is that of the *material scope* of the reform. Even though normally this is not expressly established, it is clear that constitutional rules -many of which are directly included in the Standing Orders- may not be subject to reform either directly or indirectly and any proposal for amendment which fails to observe this would be unlikely to be accepted.

4. Finally, as far as *procedure* is concerned, reforms normally follow stages similar to those observed for legislative initiatives by members of Parliament. One common characteristic is also the existence of a Standing Orders Committee, with powers varying in extent, which is responsible for analyzing in detail the reforms proposed. However, the approval or final rejection of the reforms is normally entrusted to the Plenary Sittings. It could not be otherwise given the central position of the Standing Orders in Parliamentary life.

5. Conclusions

In view of the above, bearing in mind the various instruments which Parliamentary Law provides for adjusting provisions to new requirements deriving from the political situation in the Chamber, it is appropriate to consider under what circumstances the said means should be used and what problems arise from each.

Firstly, it is advisable to evaluate the various matters that Standing Orders may govern and to state that they have neither the same external relevance nor the same intention of permanence. In fact, Parliamentary Law has an essential nucleus or an internal circle made up of the rules that are produced by and intended for the same body, i.e. the parliamentary Assembly and its bodies; on the other hand, the external circle would be that governing the relationships between Parliament and other bodies, entities, groups or individuals which do not form part of the Assembly.

In view of the above, questions may arise as to whether it is upon the basic internal nucleus that the instruments placed in the Standing Orders, in a flexible manner, at the disposal of parliamentary bodies (Speaker, Bureau), must act in order to introduce amendments or complete the contents of rules contained in the Standing Orders. This could be argued bearing in mind that in this case the rules are produced by and intended for the same body. Finally an identity occurs. On the contrary, this could occur if what is referred to as the external

circle, since it affects relationships with third parties, has to be less flexible and, therefore, amended as appropriate by a formal reform of the Regulations.

Secondly, in connection with the above classifications, the question could arise regarding to what extent a reform of the Standing Orders in the widest sense (amendment of certain provisions, addition of new procedures, etc.) must be carried out by means of a formal reform or by resorting to supplementary rulings or by pure and simple non-application for a certain case, bearing in mind the reason for the reform.

As stated above, we consider that a pure technique would require formal reforms in what we have referred to as "ideological gaps". On the other hand, rulings by the Speaker may operate perfectly well in the scope of what we refer to as procedural or objective rulings. In these cases it would be necessary to be particularly scrupulous in order to prevent the provisions contained in the Standing Orders being breached by means of rulings by the Speaker, however much the solution contained in the said rulings may theoretically be superior to what is provided in the Regulations themselves.

2. Topical discussion: extract from the Minutes of the Stockholm session, September 1992

Mr. ALBA Navarro (Spain) introduced the topical discussion postponed from the Yaoundé session. The question was of interest because of particular national events and the nature of the parliamentary rules which applied to those events. He noted that some of the particular examples given in the paper might now be out of date. In summarising the essential points of his paper he drew attention to the key issue, that of the balance to be drawn between, on the one hand, the need for stability and protection of minorities within parliamentary life and, and on the other, the dynamic nature of parliamentary life. Parliamentary rules were the core for dealing with these issues but could not cover everything in advance and mechanisms therefore had to be in place for dealing with issues which had not been foreseen. Issues could arise in different circumstances and the procedures to be applied could not always be the same in every case.

Mr. CASTIGLIA (Italy) drew attention to the effect on this question of the existence or otherwise of a Constitutional Court or other outside authority which can adjudicate on the parliamentary decisions of various kinds. In Italy there was such a Court but its powers in respect to parliament were uncertain and it had been very cautious. This contrasted with the French system where the Constitutional Court was powerful.

Mr. OLLE-LAPRUNE (France) of the question on the role of the French Constitutional Court, noted that the paper submitted suggested that the Court had a power of initiative in respect of reform, whereas its power was limited to approval of a reform.

Mr. FARACHIO (Uruguay) supported the central proposition that the rules for political bodies had to combine flexibility with consistency. This involved recognising the relationship between the nature of the origin of the problem and the method to be adopted for its resolution. It was normal for the body charged with deciding on the operation of the rules not to be given latitude in respect of the rules themselves but to have a certain latitude in their application in specific instances. In Uruguay a Speaker's ruling on a new issue could only amount to a non-binding precedent and any Speaker's ruling could be challenged. He noted finally that for changes of parliamentary rules in Uruguay a majority of over half the Chamber was required.

Mr. ALBA Navarro replying to these three points noted that the discussion would already help in the preparation of the questionnaire and further report, but noted that in respect of the role of constitutional courts he did not wish to

duplicate work done by the Association in the recent report by Mr. Ndiaye on relationships between the Courts and Parliament.

Mr. PIUZZI (Argentina) described the procedures applying in the Argentine Senate for the appointment of judges and ambassadors and top military personnel. These rules had recently changed and he inquired about the position in Spain.

Mr. NYS (Belgium) indicated that the main parliamentary rules in Belgium were very concise and simple and could only be derogated from if there was unanimity. The procedure for change of the rules was fairly straightforward, involving committee consideration and approval in plenary sitting.

Mr. KOULICHECV (Bulgaria) raised the question of the relationship of rulings in parliament to normal legislation and of the position of Constitutional Courts relative to parliamentary rules, as opposed to parliamentary law-making. The procedure for changing rules in Bulgaria involved an initiative by the Speaker or by 10% of the members.

Mr. BENVENUTO (Italy) raised the specific point of how far the Constitutional or other Courts in different countries could examine whether parliament had followed its own rules.

Mr. CATALURDA (Uruguay) described recent changes which had taken place in the procedures for budget consideration.

Mr. EYZAGUIRRE (Chile) indicated that Chile had seen profound changes involved in the implementation of the 1990 Constitutional Law. Any doubt over interpretation of the regulations went to the Constitutional Committee and an absolute majority was necessary in the Chamber for adopting changes.

Mr. AOUADI (Tunisia) noted that while Assemblies nearly always based their rules on written documents these could not in practice cover everything and that therefore parliamentary practice and precedent always had a role to play. He noted also that the constitutional arrangements tended to be different in different countries about how much freedom of action different Assemblies had over their own rules relative to the powers of the Executive.

Mrs HUBER (Switzerland) indicated that there was insufficient time to explain the systems used in Switzerland in this respect but noted one particular point in respect of bicameral parliaments, namely that two Chambers could, on occasion, modify their rules in mutually incompatible ways.

Mr. HADJIOANNOU (President)(Cyprus) reported that Article 73 of the Constitution of Cyprus provided that the House of Representatives regulated its procedures and the functions of its offices by its own Standing Orders. It had

been decided that rules adopted by the House did not need to be promulgated by the President of the Republic. The House's rules provided that queries relating to the rules should be decided by the House in such manner as the Speaker shall direct.

Mr. ALBA Navarro (Spain) responded to the particular points raised in respect of individual parliaments and indicated that these would be useful and could be taken into account in the preparation of a questionnaire. The particular point raised by many members of the constitutional control of a law after it had been enacted was certainly an important one though in considering this question sight should not be lost of the prior question of how the law is enacted in the first place. The further work done by the Association would lead to further examination of the role of practice and unwritten conventions in this area.

It was *agreed* that a draft questionnaire should be prepared for examination at the next session.

ANNEX: Mr. Mahran (Egypt) submitted the following speech in writing:

"The issue of changing parliamentary rules raises several fundamental points pertaining to the following questions:

- Must each Parliament have its own Rules?
- How are the Rules drawn up? Should they be submitted to the Parliament to get its approval?
- How are the Rules issued? Do they have the power of the law? Are they binding on other Powers?
- Does it apply to other Parliamentary Bodies?
- What is the meaning of "Parliament is the master of its own Rules"?
- What are the procedures followed to modify or change the Rules?

We will try to answer these questions drawing upon the experience of the Egyptian Parliament. I would like to mention here that the first Parliamentary Rules put into effect in Egypt were in 1866 when the Consultative Assembly of Representatives was established. Several Rules were made afterwards before and after the 1952 Revolution.

The internal Rules of the People's Assembly are the law that governs the life and working of the Parliament. They set the principles and regulations for the Assembly in undertaking its work; therefore the Rules should be strictly observed. All members of the Assembly should follow the regulations of the Rules while assuming their parliamentary work inside the Assembly and in the Committee.

The Rules are also considered the law of all the bodies and departments of which the Assembly is composed, whether they are political in nature, such as the Speaker's Office, the committees and the Parliamentary Groups, or technical and administrative, such as the General Secretariat.

According to article 104 of the Constitution, it is the Parliament that draws up its own Rules to organize its work and the way in which it assumes its responsibilities.

The manner in which the Rules are drawn up:

According to parliamentary precedents, the Assembly should form a special committee made up of some of the members to draw up new Rules. The Committee writes a report on the draft Rule during a period specified by the Assembly, bearing in mind previous and temporary Rules and pointing to the changes that have been introduced to the new Rules, comparing them with previous ones. The Committee's report is then read to the Assembly for voting. Subsequently, each and every article of the draft Rules should be voted on.

As soon as the Assembly approves of the Rules they acquire a binding force regarding the Parliament and its members.

The extent to which the Parliamentary Rules are binding:

The Parliamentary Rules of the People's Assembly do not have a binding force on other Powers because they are not promulgated as a law, rather they only require the approval of the Assembly. A law, on the other hand, needs the collaboration of both the Executive and Legislative Powers. It is incumbent on other Powers, though, to observe the Rules in dealing with the Parliament. The Rules should not include any articles that are unconstitutional or that contradict the law as, from a legislative view point - they are subordinate in power.

Whether the internal Rules of a Parliament apply to other subsequent Parliaments:

It should be noted here that there are two views. The first one believes that even though the Parliamentary Rules are an internal affair, their rules of governance are continuous and persistent. This means they are not confined to the Representative Body that issued them; rather the Rules are carried over to subsequent Parliaments as long as the constitutional principles on which the previous statute was set up are still intact.

It is my view, however, that the Parliamentary Rules are binding only on the Parliament that drew them up, which means that each Parliament should have its own Rules. Although there are some parliamentary precedents of Rules being carried over into several Parliaments, this was done by an implicit approval of the Parliament to keep the Rules intact and was not meant to be established as a tradition.

What do we mean by "the Assembly is the master of its own Rules":

The Parliament draws up the Rules in its own right. It has the power to introduce whatever regulations and procedures it deems appropriate. The Parliament makes any changes in the Rules without any interference from other Powers. This, however, does imply that it can make those changes at any time or during a sitting, claiming that this is considered an approval of the members of the Assembly. What is actually meant here is that the Parliament can introduce changes in the Rules whenever there is a change. Nevertheless, it is not desirable, once the Rules have been approved, to subject them to numerous changes as it causes instability. Furthermore, a need for change might arise in some of the Parliamentary bodies as required for the proper functioning of the Assembly. Hereupon, the Rules could be changed according to the regulations that govern that matter.

As for the procedures that are followed to change the internal Rules of the People's Assembly of Egypt, we find that article 476 of the Assembly made in October 1979 included the procedures of change. It states that "the regulations of the Rules should not be changed except upon a proposal from the Speaker's office or, at least, fifty members. The proposal should include the articles required to be changed and reasons for this change. The Speaker then submits the proposal to the Assembly to be referred to the General Committee, which is the principal committee of the Assembly to prepare a report on the principle of change, in a period specified (by the Assembly). The Assembly refers this report, after approving of the principle of change, to the Committee of Constitutional and Legislative Affairs or to a special committee to write a report that

includes the proposed articles for change, in the period specified. Each rpember can hand in a written suggestion on this issue to the Committee before it prepares its final report. The report should then be recited to the Parliament before taking votes".

According to the previous article, the procedures for changing the Rules have become clearer and more precise than they were in previous Rules. While the Rules of 1957 stated that it was not permissible to change the Rules unless the Speaker or ten members so proposed, the subsequent Rules raised the number of members to twenty until it got to the number suggested by the present Rules which is fifty members. This has ensured stability of and respect for the Rules."

3. Report prepared by Mr Manuel Alba Navarro, Secretary General of the Senate of Spain (adopted at the Paris session, March 1994)

1. Introduction

The data used for preparing the current report and the accompanying tables have been drawn from the answers sent in up to 1st December, 1993, in response to the questionnaire concerning the procedures for the reform of the parliamentary Standing Orders as approved by the ASGP at its meeting in April of the same year in New Delhi. They correspond to fifty-six different Parliamentary Chambers which form part of the parliaments of forty-one countries around the world and of two international organizations.

If any general conclusion from a first-hand analysis of these data were to be drawn, homogeneity would be their most striking feature. A more detailed study would nevertheless enable us to come across specific elements in the different systems under examination.

In effect, if we take into account that coincidence in the different models being studied is never complete, even when considering general questions such as the existence of a written Constitution or the allocation to the Parliamentary Standing Orders of the same juridical status within the corresponding legal regulations which would allow, at the most, to group the answers in two or three separate blocks, it would be only proper, at all events, to refer to a question of resemblance; despite the multiple variants recorded, there exist several features common to all Parliamentary Chambers that inspire each concrete organization. Such would be, for instance, the case concerning the principle of the statutory autonomy of Parliament that leads to the practically absolute exclusion of the executive power from the elaboration, interpretation, modification and repeal of the organizational rules and the internal procedures of the Chambers, or to the concept - not always explicitly declared - that the Plenary Chamber, as an independent body, is the holder of such an autonomy upon which falls the last decision in matters concerning its internal rules, this without detriment to the faculties assigned to the different governing bodies.

It results from the above that the appended tables are not sufficient to offer a full picture of the richness and the variety found in actual experience in matters of interpretation and amendment of the parliamentary Rules of Procedure, and that their only purpose is confined to rendering a general overview of the prevailing situation.

Therefore, while warning beforehand about the complexities of indulging in too many details we try to come to terms in the ensuing report with the prevailing situation and to submit it to a thorough analysis. We have in this endeavour preferred to resort to the criteria relating to the general matters dealt with in the questionnaire, while grouping together those cases showing a fundamental similarity in their systems and making a point of underlining the existing peculiarities and the original models.

2. General questions

A first statement that could not in the least be qualified as surprising confirms the unquestionable prevalence in the number of the countries having a written text as a constitutional working tool. In effect, it is a known fact that, ever since the expansion of the constitutional movement, the trend followed by most States has been to give preference to the model of the written Constitution as emanating from the French and Northern American rationalist ideas as opposed to the pattern of a British tradition based on a customary practice which has been preserved only in its sphere of influence. Among the countries replying to the questionnaire, New Zealand, Israel and the United Kingdom are the only ones which lack a written Constitution. On the other hand, out of the ensemble of the affirmative answers recorded, a special reference should be made to Canada, where only a part of its Constitution may be truly considered as a written set of texts -five- coming from those originated by the Constitution Act of 1867, while the rest is composed by an array of unwritten principles and conventions drawing their significance from their customary background. Another outstanding response comes from the European Parliament which asserts the existence of a written Constitution of the European Community, indeed its Constituent Treaties. May we add that this is, obviously, not the place to discuss the points of similarity or disagreement between national Constitutions and the primary law of the European Community. Lastly, Poland presents a very special case, since its Constitution, although written, is not contanied in a closed text, but in several constitutional laws of which the most important one in institutional matters is the Constitutional Law of 17th October 1992 on the links between the legislative and the executive powers of the Republic of Poland and the local autonomy.

Among the general subjects considered, a paramount significance should be given to the matter of the option in favour of unicameralism or bicameralism, and to the possibility, in the latter case, of a complete independence of both Houses or, on the contrary, of a common set of Standing Orders, or even of a

predominance of any one of them over the other. In the first place, leaving aside the two international organizations that, logically enough, have a unicameral parliament, there exists a balance between the countries also having only one House - which make a total of twenty out of all those that responded to the questionnaire - and those whose legislative power is composed of two Houses, which also amount to twenty. A special mention should be made of Egypt and Norway. In the first case, albeit it constitutes a unicameral parliament, the Assembly of the People of Egypt coexists with a Consulting Council that fulfills an advisory role on matters that may be submitted to its consideration by the Assembly or the President of the Republic. As for Norway, the actual - and unusual - situation is that, although a formal unicameralism is preserved in the country, the 'Storting', once elected and formally constituted, divides into two legislative bodies that develop their own specific activities, the 'Odelsting' and the 'Lagting'. A quite recent example of transition from a pattern of bicameralism to a system of unicameralism has been set by the Parliament of Zimbabwe that has gone back, in June 1990, to its original form of unicameralism.

In the second place, as regards bicameral parliaments, all of them grant autonomy to each House to have their own Standing Orders and, in some cases, this principle is expressly laid down in their respective constitutions (such as in article 15.10 of the Irish Constitution or section 50 of the Australian Constitution). On the other hand, there are many cases where, apart from the two sets of Standing Orders corresponding to each House, there exists a third set of Standing Orders whose function is to regulate the joint meetings of each House, such as in Australia, France, Netherlands, Switzerland and Uruguay. A similar rule is provided for in the Spanish Constitution (art. 72. which refers to the Standing Orders of the "Cortes Generales"), but is as yet, though, undeveloped. As for Japan, each Chamber has its own standing Orders and there exist rules common to both, apart from the circumstance of the joint meetings and the fact that they are approved as ordinary laws.

As far as the principle of statutory self-government is concerned, this has been granted, as aforesaid, an overall recognition. So, practically all the Chambers being studied are provided with their internal autonomous mechanism - with no interference from the executive power-for the approval of their own Standing Orders. The only four exceptions to the rule are the National Assembly of the Republic of Korea, whose Standing Orders, once approved, must be referred to the Executive Power for enactment by the President of the Republic, the Legislative Assembly of Panama, whose Standing Orders must be sanctioned and enacted by the Executive Power, the National Assembly of Kenya, whose Standing Orders are approved by its Chamber, following, nevertheless, a motion by the Leader of Government Business, and the National Assembly of

the Central African Republic, whose Standing Orders are approved by a Decree of the President of the Republic.

In some cases this statutory autonomy is recognized by the Constitution itself. Such is the case in Australia (art. 50), Botswana (Section 76 (1), Belgium (art. 46), Cyprus (art. 73.1), Denmark (art. 48), Germany (art. 52 Bundesrat, art.4O Bundestag), Netherlands (art. 72), India (art. 118 (2)), Philippines (art. VI, Section 16 (3)), Zambia (art. 86.1) and Spain (art. 72). Moreover, in other cases, the approval of the Standing Orders has its origin in the proposal made by some internal body of the Chambers, as occurs in the House of Lords in the United Kingdom (as put forward by the Select Commitee on the Procedure of the House), the Knesset of Israel (as put forward by the House Committee), or in the Parliament of Zimbabwe (as put forward by the Standing Rules and Orders Committee).

On the other hand, there are certain Chambers in which the Standing Orders are not the only regulatory source of parliamentary organization and running. The most classic example of this may be found in the House of Commons and the House of Lords of the United Kingdom, whose Standing Orders are indeed not exhaustive since many of the procedures followed therein come from traditional customs and usages; there is, furthermore, a procedural handbook in the House of Lords for the interpretation of the Standing Orders entitled "The Companion to the Standing Orders and Guide to the Proceedings of the House of Lords". Such is also the case as regards the National Congress of Ecuador which must attend not only to the Rules of Procedure contained in the Constitution and in the internal Standing Orders, but to those of the Organic Act of the Legislative Function. Another peculiar case is that of the Senate of the Kingdom of Thailand, whose Standing Orders are currently being elaborated; as a consequence, *mutatis mutandis* and pending their final approval, the Standing Orders of the other Chamber, the House of Representatives, are applied.

Finally, as for the status accorded to the Standing Orders, the very exceptional nature of these regulations makes the adoption of a solution which, if not similar in all countries, is at least clear and unquestioned within the country itself, rather difficult. As is well known, this is one of the most argued questions of the scientific doctrine on the matter, not least because of the existence of such a varied pattern of models. Thus in Germany, there exists no accord as to the rank of the Standing Orders, although it is frequently affirmed that the parliamentary Rules of Procedure constitute "autonomous statutes" of a rank lower indeed than the Constitution and the Federal Laws, or in Poland, a country in which there is only a coincidence in as much as the Standing Orders are different legislative resolutions from the laws, that are submitted, in any case, to the Constitution and to a control by the Constitutional Court. A particular

nature and status are attributed to them in countries such as Australia, Belgium, Botswana, Chili, Cyprus, Denmark, Egypt, Hungary, Ireland, Norway, New Zealand, Philippines, Poland, Switzerland, Thailand, United Kingdom and Canada. Others, such as France and Italy, do recognize this peculiarity but a more or less defined hierarchical status is accorded to them: in the first case, a rank lower than the Constitution and the organic acts and, in the second, their assimilation to the status of ordinary law with the significant nuance, nevertheless, that when it comes to making a normative qualification of the Standing Orders, one may resort not only to the criterion appealing to the hierarchical location in the scale of juridical sources, but to the principle of jurisdiction as well, whereby the phenomenon of a "reserve of the Standing Orders" may intervene, exclusively assigning to this rule the regulation of definite matters. There are some cases such as Spain where, although there is no reason for making a formal comparison, the Constitutional Court has accorded to the Standing Orders the value and the power of another ruling source, in this case, that of the Law. In other cases, the peculiarity lies in the assertion that the Standing Orders amount to simple resolutions of the Chamber, with only internal effect, as happens in the House of Representatives of New Zealand, in the Assembly of the Republic of Portugal or in Thailand's Senate.

A clearer option is that of the States that invest their Parliamentary Rules of Procedures with a specific hierarchical status within the system of sources that assimilates them to other ruling instruments. The highest level is occupied in those states, such as Netherlands, Pakistan, Zambia and Zimbabwe that confer on them a constitutional rank, whereas Greece, Indonesia, Korea, Mali, Panama and Uruguay compare them to the ordinary law. The Standing Orders of the National Assembly of Tanzania enjoy the same rank as that of a government decree or of Rules of Procedure passed by the executive power, while those of the Knesset of Israel are vested with a non government Statutory Instrument, and those of the National Assembly of Kenya enjoy the status of subsidiary legislation. Last but not least, there is a case showing a double nature, such as the Standing Orders of the Finnish Parliament, which partly have the rank of a constitutional law and partly that of an ordinary law.

A final reflection seems necessary. Many of the responses have pointed out that the difficulty of making the Standing Orders match into the system of sources is due to their normative character whereby their framework of application is only internal; in other words, they are only valid in the precincts of the Chambers. A formal indication of the inaccuracy of such an assertion -which would be quite out of place here- would lead us too far in our argument. But although it is true that most of the rules are only applicable within the Parliament, the Rules of Procedure always contain provisions affecting third parties

alien to the parliamentary institution. Suffice it to say that the matters dealing with the summoning of ordinary citizens before the Chambers or with the freedom of speech or the freedom from arrest of the members of Parliament do have a considerable repercussion on the general public. When such as interference takes place within their realm, it becomes rather useful to know the hierarchical status of the Standing Orders as opposed to the legally protected rights.

3. Interpretation of the standing orders

As regards the interpretation of the Standing Orders, the different systems vary according to the special influence that the arrangement of the bodies of the chambers has on them. Broadly speaking, it may be asserted that the right to interpret is conferred on the Speaker in all Chambers where the model of government through the primacy of an individual is overriding, while the Bureau or a specific Committee is entrusted with the interpretation in all cases where collective governmental bodies enjoy a greater significance. This statement is, of course, subject to exceptions and its significance must, moreover, be played down in many cases in which, in the last resort, the inteipretation rests with the Chamber at a plenary sitting, not to mention numerous cases where the interpretation is shared by two or more bodies, independently of the moment at which this is made or of its importance and ultimate repercussion.

Starting with the cases in which the interpretative function falls -most of it- upon the President, this is found not only in the classic example of the Speakers of the House of Commons in the United Kingdom, but in other Chambers as well, such as the Chamber of Representatives of Greece, in the two Chambers of the Indian Parliament and the Irish Parliament also, the House of Representatives of New Zealand, the House of Commons of Canada, the Senate of Uruguay, the House of Representatives of Australia, the National Assembly of Tanzania and the National Assembly of Kenya, in the two Chambers of the Parliament of Pakistan and in the National Assembly of Uganda. Equal powers are also vested exclusively with the Bureau of the French Senate. And, in some cases, the domain of interpretation is reserved to the Chamber considered as a whole, as happens in Cyprus, Ecuador and Thailand. And in others, finally, there are collegiate organs other than the Bureau which are charged with the interpretation of the Standing Orders, albeit this is not their only role. This is the case with Sejm in Poland where the interpretation functions are assigned to the Presidium (which will consult, if necessary, with the Committee on Procedure and Members' Matters), in the Israeli Knesset, with the Interpretation Commit-

tee, in the National Assembly of Hungary, with the Committee on Rules of Procedures and with the two Chambers of the Japanese Parliament and their respective Committees on Rules of Administration.

Nevertheless, what usually occurs is that the interpretative function is shared either by the Chamber and any one or several of its bodies, or by two or more of the said bodies. This distribution may be made pursuant to a criterion prevailing at the time when the doubt is raised and, therefore, when the interpretation is being made, or in accord with the judgement made concerning the nature and the effects of the interpretative decision. It is, thus, affirmed that the whole Chamber shares the interpretative faculty with other bodies in the following Parliaments: the Parliamentary Assembly of the WEU (with the Committee on the Rules of Procedure and Privileges), the European Parliament (with the Committee on the Rules of Procedure, the Verifications of Credentials and Immunities), the Assembly of the People of Egypt (with the Committee on Constitutional and Legislative Affairs), the House of Representatives of Indonesia (with the Steering Committee), the Legislative Assembly of Panama (with the Managing Board of the Assembly), the Senate of Philippines (with the Presidency and the Committee on Rules), the House of Lords of the United Kingdom (with the Procedure Committee), the German Bundesrat (with the Presidency) and the House of Representatives of Belgium (with the Bureau and the "Conference des Presidents"). The President shares the interpretation of the Standing Orders while the task of the everyday interpretation of the Rules of Procedures at plenary sittings usually falls on him in the following cases: the Australian Senate (with the Committee for Procedures), the National Assembly of Botswana (with the Attorney General), the Danish Folketing (where parliamentary administration is conducted by the President), the French National Assembly (with the Bureau), the German Bundestag (with the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure), the Second Chamber of the Netherlands (with the Committee for Procedures), the Italian Senate (with the Standing Orders Committee), the National Assembly of Korea (with the House Steering Committee, the Legislative and Judicial Committee or the Secretary General), the Polish Committee (with the Presiding Board), the National Council and the Council of the States of Switzerland (with the respective Bureau of each Chamber), the National Assembly of Tanzania (with the Standing Orders Committee), the National Assembly of Zambia (with the Standing Orders Committee), the Parliament of Zimbabwe (with the attendance of the Secretaries-at-the-Bureau), the Senate of Chile (with the Bureau and the Commission on the Constitution, Legislation, Justice and the Standing Orders), the Finnish Parliament (with the Speaker's Council), the Belgian Senate (with the "Commission du Travail Parlementaire"), the Italian Chamber of Deputies (with the Giunta per il Regolamento), the Congress of Representatives of Spain

(with the Bureau and the Board of Spokesmen) and the Senate (with the Board of Spokesmen). In the case of the Assembly of the Republic of Portugal, the formula being shared affects the Bureau of the Chamber which, before adopting any interpretative decision, is bound to consult with the Standing Commmittee on Constitutional Affairs, Rights, Liberties and Guarantees.

On the opposite side from this majority group, there are two cases worth being underlined: that of the Republic of Mali, where the interpretation of the Standing Orders is made by the Constitutional Court, and that of the Storting in Norway, for which there exist no provisions as to which body must interpret the Rules of Procedure, and where it is the Chamber itself which, on the merits of each case, decides the authority upon which falls the execution of that task. Something similar occurs at the National Assembly of the Central African Republic, where no authority has been expressly designated as competent for interpreting the Standing Orders.

The second point of interest in connection with the interpretation of the parliamentary Rules of Procedure is the one referring to the possible appeals that may potentially be lodged against the interpretations made by the appropriate body. In this respect it seems easy to make a distinction between all such systems that do not envisage these appeals and those which do. Among the latter it is common that appeals be made to, and resolved by, an authority different from the one issuing the decision that ultimately brought about the appeal. Nevertheless, one may also in this circumstance differentiate the cases in which the appeals are of an internal character, lodged with and resolved by a body of the Chamber, from those of an extraparliamentary nature.

Out of all the responses received, 27 deny the existence of appeals on this matter. Among them one must nevertheless include the cases where no appeals, properly speaking, against the interpretative decisions are made, but in which there exists the possibility for the parliamentary groups to express their opinion, either in the course of the debate in progress before the adoption of the corresponding decision, or by tabling ad hoc motions or demands to the parliament. Such is the case of the European Parliament, the House of Representatives and the Senate of Australia, the Assembly of the People of Egypt, the Second Chamber of the Netherlands, the Chamber of Representatives of Indonesia, the Italian Senate, the National Council and the Council of States of the Swiss Confederation, the House of Commons in the United Kingdom, the National Assembly of Zambia and the National Assembly of Kenya. Provision has been made by the Danish Folketing (before the Executive Council or the Standing Orders Committee), by the German Bundestag (before the President or the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure), by the National Assembly of Korea (before the Speaker), by the

Assembly of the Republic of Portugal (before the Chamber by its Plenary Sitting), by the House of Lords of the United Kingdom (before the Procedure Committee), by the Parliament of Finland (before the Committee for Constitutional Law) by the two Houses of the Indian Parliament (where there exists an appeal for clarification before the President), by the Chamber of Deputies of the Italian Parliament (where the president may, in exceptional cases, consult the Chamber at its Plenary Meeting), by the Senate of Philippines, by the National Assembly of Tanzania, and by the Senate of Uruguay, against interpretative resolutions through some system of internal appeals. External appeals are generally provided for within the framework of a control system of constitutionality. But, although it is self-understood in the majority of cases that the parliamentary Rules of Procedure must not contradict the Constitution, the actual fact is that the possibility of a constitutional control by the appropriate body is not always specified as a choice among the appeals liable to be lodged against the interpretative decisions, independently of some cases such as Italy, where a control of the constitutionality of the Rules of Procedure is expressly forbidden by the Constitutional Court. As a consequence, according to the responses received, Ecuador, Germany, Panama, Poland, Japan and Spain allow a control of the constitutionality of the interpretative decisions adopted.

4. Filling-in gaps in the Standing orders/Rules off procedures

With respect to the problems posed by possible gaps in the Rules of Procedure, and the provision of a system adequate to bring about a solution, it may be asserted that there normally exists a certain coincidence with the model provided for the mechanism of interpretation in general. This may be explained by the fact that filling in gaps is considered as a specific element of the overall interpretative task of the Rules of Procedure. Even in the case of the Norwegian Storting, its response includes the assertion that, in actual practice, there is no distinction between the interpretation of the Rules of Procedure and filling in the gaps in the Rules. Anyway, the main feature concerning the filling in of gaps in the Rules is that, taking into account the lack of rulings on the subject raised, this function brings about the preparation of new regulations, either written or oral, and not necessarily incorporated into the Rules. On acount of this and without prejudice to referring, where appropriate, to the attached tables to learn upon which authority or body falls the faculty of filling in the gaps - sometimes perhaps bodies different from the authority and bodies entrusted with their interpretation - we shall now concentrate our attention on the type of

regulations the interpretation may bring about, in the possibility or impossibility of leaving, in concrete cases, in the lack of application of the Standing Orders, in the eventual availability of appeals against auxiliary resolutions, and in the value allotted to the parliamentary customs and usages in their integrating function.

As for the first aspect, there are many circumstances where the auxiliary resolutions are either incorporated into the Rules of Procedure or given an equal or similar status. This is what happens in the European Parliament, the Australian Senate, the Chilean Senate, the House of Representatives in Cyprus (where they are neither written nor published), the National Congress of Ecuador, the Second Chamber of Netherlands, the House of Representatives of Indonesia, the House of Representatives and the Senate of Ireland, the Knesset of Israel, the Italian Senate and the House of Representatives, both Chambers of the Japanese Parliament, the Philippine Senate, the Parliament of Pakistan, the Sejm of Poland, the National Assembly of Tanzania, the British House of Lords (only in the case of some complementary resolutions) and the Congress of Representatives and the Senate of Spain. In other systems, what actually happens is the publication and compilation of the auxiliary resolutions, either in a specific text or as an appendix to the Rules of Procedure, whereby they are conferred a lower rank than these; this applies also to the Parliamentary Assembly of the WEU, the House of Representatives of Australia (with the publication of the so-called "sessional orders"), the Danish Folketing, the French National Assembly and Senate (with the approval by each of them of the respective "General Orders of the Bureau"), the Finnish Parliament, the German Bundestag and Bundesrat, the Chamber of Representatives of Greece, the House of the People of India (where a compilation called "Directions by the Speaker, Lok Sabha", having the same force and rank as the Standing Orders, is published), the National Assembly of the Republic of Korea (where the auxiliary resolutions are published as an appendix to the Standing Orders), the House of Representatives of New Zealand, the Assembly of the Republic of Portugal (where the auxiliary resolutions, if written, are published in the Official Gazette), the British House of Lords (where certain resolutions not incorporated into the Standing Orders are regularly incorporated into the "Companion") and House of Commons, and the National Asssembly of Kenya. There is another group, such as the Belgian Senate, the National Assembly of Hungary, the National Assembly of the Republic of Mali, the Norwegian Storting, and the National Assembly of Uganda in which the integration does not bring about any written or published rulings, while, finally, the National Assembly of Bostwana, the National Assembly of the Central African Republic, the Assembly of the People of Egypt, the Parliament of Zimbabwe, and the Senate of Uruguay lack any specific procedure with respect to filling in the gaps in the Standing Orders.

As regards the question of the possible non-application of the Rules of Procedure, it should be noted as a warning, firstly, that the responses coming in occasionally contemplated the possibility of provisions alluding to a power sometimes assigned to specified bodies of deciding on the application or non application of a specific procedure, while disregarding the generic possibility of a non-application that is sometimes envisaged. Such a power is, incidentally, an outstanding illustration of the flexible pattern of Parliamentary Law (a flexibility that, among other reasons, emanates from the identity between the subject laying down the regulations and the subject who must comply with them). Under this reservation, we may refer to the hypotheses contemplating a possibility of non application, and stress that, in the majority of the cases, such a possibility is surrounded by certain guarantees, either through the demand that the non-application be agreed by the Chamber or through the demand that some exceptional and urgent circumstances must happen, or by the concurrence of both circumstances. Such a possibility is foreseen in the Parliamentary Assembly of the WEU, the Chamber of Representatives and the Senate of Australia, the Senate and the House of Representatives of Belgium, the Danish Folketing, the French Senate, the German Bundestag and Bundesrat, the Second Chamber of Netherlands, the two Houses of the Indian Parliament, the two Chambers of the Irish Parliament, the Knesset of Israel, the Italian Senate (although it is not a written rule), the Norwegian Storting, the House of Representatives of New Zealand, the two Chambers of the Pakistan Parliament, the Senate of Philippines, the Assembly of the Republic of Portugal, the two Houses of the British Parliament, the National Assembly of Zambia, the House of Commons of Canada, the National Assembly of Kenya, the National Assembly of Uganda and the two Chambers of the Cortes Generates of Spain. In the rest of the Chambers reviewed, no type of non-application or of a singular or temporary derogation of the Standing Orders is anticipated while, as regards the National Assembly of France, although there is no possibility of the application being bypassed, the Conference of Presidents may well agree on a non-strict observance of the Rules, and the National Assembly of Mali can come to an agreement to make arrangements for a greater flexibility aiming at a less mechanical application of the Rules of Procedure. All these assumptions allow the existence of a possibility of a lack of application in specific circumstances.

An examination of the pattern of appeals available concerning resolutions shows that the systems provided in connection with the interpretative decisions are, generally speaking, similar but not always coincident. This is ultimately the result of the greater significance of the filling in of the gaps of the Rules of Procedure since this operation culminates, in the majority of the cases, with the appearance of new regulations, whether written or not. This paragraph may account for thirty cases where no system of appeals has been

foreseen against the auxiliary resolutions. On the other hand, in such cases where some type of appeal is foreseen, the solutions are rather varied. In some countries like Australia, Italy, Switzerland, the United Kingdom, Zambia and Kenya, the appeals against this sort of resolution are substantiated by the motions that may be tabled against the resolution adopted, or by references to the Rules of Procedure for a later debate by the Chamber in a plenary sitting. In other cases, the appeals are internal, and not lodged in the form of motions, but resolved by specific bodies of the Chambers, as is the case in the Danish Folketing (the appeals may be made before the Executive Council or the Standing Orders Committee), in the National Assembly of the Republic of Korea (before the Speaker or the Committee Chairman), in the Legislative Assembly of Panama (where the decisions of the authority in charge are appealed against in the Plenary Session), in the Assembly of the Republic of Portugal (where the appeals against the decisions of the Bureau are settled in a Plenary Sitting) and the Senate of Uruguay. The German Bundestag presents peculiarities of its own as the appeals in this sphere are of an external nature and confined to those that may be lodged before the Constitutional Court, while it remains possible to lodge appeals in Israel before the High Court, as well as in Japan, where the competent organ is the Supreme Court. Last, but not least, there is the National Assembly of Mali, where the classic forms of appeals against administrative decisions are also applicable against auxiliary resolutions.

Finally, as for the value assigned to the parliamentary customs and usages, the position varies in terms of the parliamentary model and of the influence prevailing in it, as well as of the longer or shorter tradition of the parliamentary practices in each country. Consequently, a great significance is conferred in all such Chambers that have been subject to British influence; this may apply to the Australian House of Representatives where, even for filling in gaps, the relevant practices in force in the British House of Commons may be followed, and to the Parliament of Zimbabwe, which resorts not only to its own customs and usages but to those of other countries, above all the United Kingdom. Although the countries basing their systems on the continental model attribute less significance to parliamentary customs and usages, they do, nevertheless, recognize in them a certain value, either as a precedent for future interpretations (Uruguay), or as a source of the Parliamentary Law compared to the Rules of Procedure (France, Italy, Panama), or even as an auxiliary source only applicable by omission of a written norm (Philippines). In some cases, as in the Second Chamber of the Netherlands, customs and usages are coded at regular intervals while in others (Mali and Thailand), the short experience available in matters of parliamentary customs and traditions does not allow the conferring of too much an importance to this source of Parliamentary Law.

5. The reform off the rules off procedures "stricto sensu" and their control

The analysis of the last point to be dealt with, the amendment of the Parliamentary Rules of Procedure stricto sensu and their control, must be made starting from two previous considerations. Firstly, the fact of their justification in the sense that if the interpretation and the integration of the statutory gaps may, indeed, bring about certain modifications in the application of the Rules of Procedure, they may, on the other hand, be deemed as an actual reform of them. Nevertheless, we stricto sensu understand by reform a modification of the text of the Rules of Procedure as agreed by a relevant procedure applied to the effect, with the ultimate purpose of its permanent enforcement. In the second place, it must be pointed out that some of the responses stated the non existence of a parliamentary procedure specifically foreseen for the amendment of the Rules of Procedure which was different from the ordinary procedure, although certain peculiarities required by the formal statutory reforms were duly recognized. On account of this, what is now intended is to offer the briefest possible overview of the situation without prejudice to being able to draw some general conclusions.

Out of the responses obtained, twenty deny the existence of a specific procedure for the reform of the Rules of Procedure. They are the following: the National Assembly of Botswana, the House of Representatives of Belgium, the National Assembly of the Central African Republic, the House of Representatives of Cyprus, the Folketing of Denmark, the National Congress of Ecuador, the Bundestag and the Bundesrat of Germany, the National Assembly of Hungary, the House of Representatives of Indonesia, the two Chambers of the Japanese Parliament, the National Assembly of Korea, the National Assembly of Mali, the House of Representatives of New Zealand, the Legislative Assembly of Panama, the National Council and the Council of the States of Switzerland, the National Assembly of Uganda, the Parliament of Zimbabwe, the House of Commons of Canada and the Senate of Uruguay. Notwithstanding this, some of them do recognize the existence of certain peculiarities, for instance, in matters of the initiative confined to parliamentary authorities (Bundestag, National Assembly of Mali, House of Representatives of New Zealand and House of Commons of Canada). As regards countersigning or sanctioning, an indispensable procedure in Ecuador and the Republic of Korea, this is, on the contrary, unnecessary in Cyprus, Germany, Mali, New Zealand and Kenya. In this group of countries the general rule provides that there is no procedure for juridical control over the reforms. And when there is such a control, it amounts to an internal control exercised by the Chamber for the

approval or the rejection of certain amendments, as is the case in Botswana, Republic of Korea, Panama and Zimbabwe, or by any of its bodies, as is customary in Denmark (the Chairman) and in Germany (The Committee on Legal Affairs and the Committee for the Scrutiny of Elections, Immunity and Rules of Procedure). The exceptions are Germany, Hungary and Mali, where the Constitutional Court may indeed exercise a control on the reforms.

The remaining Chambers under study have among their Rules some relating to the procedure for amendment of the Rules, which involue a special procedure albeit, broadly speaking, based (logically enough) on the ordinary legislative procedure (as in Italy and in Spain), even if such a procedure is not laid down in a written text (as in the House of Lords of the United Kingdom).

These special procedures frequently contain some provision referring to the initiative which, as a safeguarding of parliamentary autonomy, tends to be solely reserved to parliamentary bodies -either to the members of the Chamber in general, as in the House of Representatives of Australia, the Belgium Senate, the National Assembly and the Senate in France, the Chamber of Representatives in Greece (where the initiative may also be taken by the President), the Second Chamber of Netherlands (where the Committees have also the same right), the Knesset in Israel, the Senate in Italy, the Storting in Norway, the Senate in Philippines, the National Assembly in Tanzania, the House of Lords in the United Kingdom, the National Assembly in Zambia and the National Assembly in Kenya, or to a determinate number of members or to the parliamentary groups, as in the case of the Parliamentary Assembly of the WEU (where it may be promoted by the Standing Orders Committeee or by a minimum often representatives), the Chilean Senate (where the initiative is rested with the senators in a number not higher than five), the Assembly of the People of Egypt (where it is reserved to the Bureau of the Chamber or to a minimum of 50 members), the Senate of Poland (to a minimum of 10 Senators, but also to the Presiding Board and to the Standing Order and Senators Affairs Committee), the Senate of Thailand (to 30 senators as a minimum), the Congress of the Representatives (to a parliamentary group or to fifteen representatives) and the Senate (to a parliamentary group or twenty-five senators) in Spain and the Assembly of the Republic of Portugal (to a tenth of the total number of members of Parliament), or to one or several of its bodies, as is the case in the European Parliament (to the Bureau or to one Committee), in the Parliament of Finland (to the Speaker's Council), in the Chamber of Deputies of Italy (to the Giunta per il Regolamento) and in the Sejm of Poland (to the Presidium, to the Committee on Procedure and Members' Matters or a group of, at least, fifteen members).

As for the most striking features concerning the steps to be followed in these special procedural reforms, perhaps the most common one consists in

going through consideration by a Commission, whereby the Standing Orders Committee or a similar body fulfilling its functions must examine the proposals put forward and issue a report that is later the object of a debate and voting at a plenary sitting. That is the case in the Parliamentary Assembly of the WEU, the European Parliament, the House of Representatives of Australia, the Australian Senate (Committee of Procedure), the Chilean Senate (Committee on the Consitution, Legislation, Justice and Standing Orders), the Assembly of the People of Egypt (where successive reports by the General Commission, the Committee on Constitutional Law or an ad hoc Committee), the French Senate (where a report by the chairman of a report committee and by the Committee of Legislation, Universal Suffrage, Rules of Procedure and General Administration is contemplated), the Finnish parliament (Committee for Constitutional Law), the Chamber of Representatives of Greece (by a special Commission), the two Chambers of the Indian Parliament (Rules Committee), the two Chambers of the Irish Parliament (by the respective Committee of Procedure and Privileges), the Israeli Knesset (House Committee), the Italian Senate, the Storting of Norway (apart from the report by the Commission, another one by the Presidum is also considered), the two Chambers of the Parliament of Pakistan (Committee on Rules of Procedure and privileges), the Senate of Philippines (by the Committe on Rules), the British House of Lords (by the Procedure Committee), the National Assembly of Zambia (by the Standing Orders Committee) and the Congress of the Representatives and the Senate of Spain. In practically all cases it is anticipated that the projects of reform be approved by the majority of the members of the Chamber at a plenary sitting, while a qualified majority is required in some cases, as in the Italian Senate, where the reform must be approved by the absolute majority of the Senators. On the other hand, several readings are sometimes required for the approval of the reform of the Standing Orders such as in the two Chambers of the Swiss Federal Assembly and the Sejm of Poland, where two readings are compulsory, and the Senate of Thailand, where up to three readings are necessary.

On the other hand, as a new expression of the safeguarding of the statutory autonomy of the Chambers, no countersigning or sanctioning is required in practically all the cases where there exists a specific procedure of reform so that, once approved, the said reform is automatically enforced. Mention must be made, nevertheless, of the French model in which the procedure of statutory amendment implicity contains a preceptive control by the Constitutional Council on the accommodation of the reform to the text of the constitution.

As for the control over the reforms of the Rules of Procedure, it should be stated that any type of juridical control on the reform, both internal and external, is included, which has frequently given rise to reference, in the responses given,

to the existence of an internal control by the Chambers of the amendments being approved or rejected. This arrangement may be understood as implicit in any parliamentary procedure or as a measure of political control. But, far from stopping at these questions, the fact is that the control mechanism is shaped as a barrier which stands up against all assumptions that all sorts of control of statutory reforms are denied. The high number of responses flatly denying the existence of external juridical controls on the statutory amendments, including the controls of the constitutionality and the very vehemence pervading many negative answers, constitute a proof of the persistence of the old dogma of parliamentary sovereignity, along with the impossibility of submitting the proceedings of the Chambers to a control by external bodies through the lodging of appeals or the control of their possible unconstitutionality. To paraphrase the old British aphorism, one may assert that the statement "The Parliament can do no wrong" remains valid in many countries, and when it actually does wrong, there exist no judicial mechanisms of correction.

In the light of the above, twenty-four cases have been reported where the existence of all sorts of juridical control on the reforms is denied, while in two further cases (the Senate of Thailand and the Canadian House of Commons), although any class of control on parliamentary reforms is decidedly denied, it is added that these cannot contradict the Constitution. A control of an internal type, exercised by the Chamber itself, is provided for in the following Chambers: the National Assembly of Botswana, the Senate of Chile, the Finnish Parliament, the two Chambers of the Indian Parliament, the National Assembly of the Republic of Korea, the Norwegian Storting, the Legislative Assembly of Panama, the two Chambers of the Parliament of Pakistan, the Senate of Philippines, the Assembly of the Republic of Portugal, the National Assembly of Tanzania, the House of Commons and the House of Lords of the United Kingdom, the Parliament of Zimbabwe and the National Assembly of Kenya. In some cases, this internal control is shared with another type of external control; such is the case of the Assembly of the Republic of Portugal, where an external control is recognized as from the time of their publication, and in the National Assembly of the Republic of Korea where, apart from the control exercised by the Chamber, there exists a reforms supervision by the President of the Republic at the time of their enactment. And the two Chambers of the Spanish Parliament could be included in this mixed system since, apart from an internal control by the Chamber, there may exist in both an external control conducted by the Constitutional Court; such a control must, nevertheless, confine itself to examining the constitutionality of the reforms. A similar case is found in the Uruguayan Senate and in the Polish Sejm. There are some cases in which the internal control over the reforms is secured by some body of the Chamber, such as the Danish Folketing (the Chairman, assisted by the Folketing Administra-

tion), the German Bundestag (the Committee on Legal Afairs and the Committee for the Scrutiny of Elections, Immunity and Rules of Procedure), this control being shared by an external control procedure that may be conducted by the Constitutional Court and the Knesset of Israel (by the House Committee). Lastly, one should mention the case of Mali, where only an external control of the reforms is provided, this being exerted by the Constitutional Court and, again, the French case, where the external control imposed by the Constitutional Council has always a preceptive character. Something similar occurs with the Standing Orders of the National Assembly of Hungary, where the constitutionality of the reforms is checked before their enactment.

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Australia House of Representatives	Yes.	Bicameral. Each Chamber has its own standing orders and there exist Rules of Procedure governing joint meetings and Assemblies.	Yes. Approved by the Chamber (Section 50 of the Constitution).	By the Speaker in the Plenary sitting and by the Chairman of Committees at the Committee of the Whole House. Motions may be tabled that dissent from a former interpretation (Standing Order 100).
Australia Senate	Yes.	Bicameral. Each Chamber has its own Standing Orders and there exist Rules of Procedure governing joint meetings and Assemblies.	Yes. Approved by the Chamber (Section 50 of the Constitution).	By the President who, may consult the Committee on Procedures. Motions may be tabled that dissent from a former interpretation.
Belgium Senate	Yes.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber, with a particular character and, in any event, having a rank lower than the Constitution.	By each organ of the Chamber within the realm of its activities. In particular, by the President, who may consult the "Comission du Travail Parlementaire" and ask for the opinion of the Chamber. No appeals may be lodged in this respect.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Chamber which does not adopt complementary resolutions but the so- called "sessional orders", temporary resolutions that are published. There is the possibility of temporarily suspending certain rules (Standing Orders 349-401). Motions may be tabled for the modification of the sessional orders. Parliamentary customs and usages are the base of the interpretative rules.	Specific Procedure in which the initiative rests with the members of the Chamber. The Standing Orders Committee must report and the reforms are to be approved by most of the present and voting members with no need for countersigning or sanctioning.	For filling in the statutory gaps, the practice may be followed, if applicable, customary in the House of Commons of the United Kingdon (Standing Order 1).
By the Chamber, which adopts complementary resolutions at the request of the President or the Committee on Procedures. These resolutions are published and compiled and have the same status as the Standing Orders. In urgent circumstances, the efficacy of the Standing Orders may be suspended. Motions may be tabled to modify complementary resolutions. Customs and usages serve as a guide to the President for the interpretation of the Standing Orders.	Specific procedure that entails that the proposal for reform must be examined by the Committee on Procedures whose report shall be considered and analyzed by the Chamber or by the Committee of the Whole House. There is no system of control of the reforms.	There exists also an abbreviated procedure for the reform of the Standing Orders.
By the Chamber which does not adopt complementary resolutions since any eventual gaps are filled in either through a modification of the Standing Orders or by their partial derogation. There exist specific provisions in the Standing Orders on its non-application in particular cases, when so decided by the Chamber or its President. Parliamentary usages and practices are particularly important as regards the interpretation of the Standing Orders.	A specific procedure for the reforms of the Standing Orders that is similar to the ordinary legislative procedure but with no power of initiative to the Government, no proceedings of "taking into consideration" and no countersigning or sanctioning. Voting is always by sitting and standing. There is no modality of control on the reforms of the Standing Orders.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Belgium Chamber of Representatives	Yes	Bicameral. Each Chamber has its own Standing Orders	Yes. Approved by the Chamber making use of its Statutory independence	Usually by the Chamber and, on occasions, by the Bureau (art. 24 of the Standing Orders) or by the "Conférence des Presidents", that may put forward reforms. No appeals may be lodged in this respect.
Botswana National Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber (Section 76 (1) of the Constitution).	By the Speaker, assisted sometimes by the Attorney General. There is no possibility of appeal against the interpretative decisions.
Canada House of Commons	Only partially. It is composed of five texts.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber with a particular character and status.	By the Speaker (Standing Order 10) who may consult the authorities and resort to precedents. There is no possibility of appeal against the interpretative decisions taken by the Speaker.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Chamber. There is the possibility for each member of Parliament to propose statutory modifications and for the Chamber to examine those proposals after the "Commission Spéciale du Règlement et de la Réforme du Travail Parlementaire" issues a report on them. Once approved, the proposals are incorporated into the Standing Orders and take effect immediately. Only an unanimous decision by the Chamber may prevent the application of the Standing Orders. No appeals may be lodged in this respect. Usages and practices are particularly important for maintaining a united criterion as regards the interpretation of the Standing Orders.	There is neither a specific procedure for the revision of the Standing Orders nor any system of control in that respect.	The Standing Orders of the Belgian Chamber of Representatives were approved on October 5, 1831. Since that date 5 revisions and a great number of minor modifications to it have been made.
There is no specific procedure for filling in the statutory gaps.	The initiative for reform may come from a member of the Chamber or the Standing Orders Committe while there is not any special procedure for its approval. The only control of the reforms is exerted by the Chamber when they are approved.	
By the Speaker, by standing or special Committees, by the Standing Committee on House Management or by the Chamber itself. The supplementary resolutions form part of the parliamentary conventions and serve as a guide for future interpretations. There is the possibility of a non- application of the Standing Orders. No appeals may be lodged on this matter. Customs and usages have a vital importance in parliamentary practice.	There is no specific procedure for the reform of the Standing Orders. The initiative may be taken by the Speaker, the leaders of the Parliamentary Groups, the members of the Standing Committee on House Management or the individual members. The reform may not contradict the Constitution and must be adopted by the majority of the Chamber.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Central-African Republic National Assembly	Yes.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by a Decree of the President of the Republic.	There is no authority designated as competent to construe the Standing Orders. No appeals may be lodged in ths respect.
Chile Senate	Yes	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber as a legal norm that completes the Political Constitution of the Republic and the Constitutional Organic Law of the National Congress.	By the President, the Bureau of the Chamber and the Committee on the Constitution, Legislation, Justice and Standing Orders. No appeals may be lodged in this matter.
Cyprus House of Representatives	Yes.	Unicameral.	Yes. Approved by the Chamber (art. 73.1 of the Constitution) on December 11, 1980 and reformed on April 6, 1985.	By the Chamber itself. There is no possibility of appeal on this matter.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
There is no authority designated as competent to fill in the gaps of the Standing Orders nor is there a specific procedure to do it. There is no possibility of a non-application of the Standing Orders or of lodging appeals in this respect. The parliamentary usages and practices have a merely indicative character.	There is no specific procedure for the reforms of the Standing Orders nor is there any system for their control.	The Standing Orders of the National Assembly were approved by a Decree in 1987 and have not as yet been revised.
By the Chamber, following the initiative of the President or of any Senator by tabling a motion on which the Committee on the Constitution, Legislation, Justice and Standing Orders releases a report. These modifying motions are published and compiled and have the same rank as the Standing Orders. No appeals may be lodged in this respect. Parliamentary usages and practices have generally an auxiliary character.	A specific procedure for the reforms contemplated in art. 62 of the Constitution and art. 217 of the Standing Orders. The initiative corresponds to the Senators in a number not higher than five. Once the report of the Committee on the Constitution, Legislation, Justice and Standing Orders has been issued, the reform must be approved by a majority. There is no external control on the reforms, save the one exerted by the Committee and Chamber upon their approval.	The Standing Orders of the Senate were recently approved by the Chamber (1993).
By the Chamber as ruled by the President (art. 85 of the Standing Orders). These decisions have no written form nor are they published, although they are additional to the Standing Orders and have the same effect. There is no possibility of either suspending the Standing Orders or of lodging appeals on this matter. Customs and usages have a vital importance.	There is no specific procedure for the reform of the Standing Orders which, in any case, does not need countersigning or sanctioning on the part of the President of the Republic. There is no system available for the control of the reforms.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Denmark Folketing	Yes.	Unicameral.	Yes. Approved by the Chamber (Art. 48 of the Constitution).	By the Chairman assisted by the Parliamentary administration. There is the possibility of lodging appeals against the interpretative decisions before the Executive Council or the Standing Orders Committee.
Ecuador National Congress	Yes.	Unicameral.	Yes; the Internal Standing Orders, approved by the Chamber.	By the Chamber, following the constitutional reforms or the ordinary legislative procedure, as the case may be. There are no appeals on this matter, although there exists a control over the constitutionality attributed to any Section of the High Court of Justice and of the other Courts of last instance as well as to the National Congress.
Arab Republic of Egypt Assembly of the People of Egypt	Yes.	Unicameral.	Yes. Approved by the Chamber (Art. 419). This is a legislative act of a particular character.	By the Chamber and its different bodies, particularly the Committee on Constitutional and Legislative Affairs. Interpretative resolutions shall be considered as complementary to the statutory rules (art. 415 of the Standing Orders). There are no appeals on this matter although the members of Parliament may utter their views in the adoption of these resolutions.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Chairman, occasionally consulting the Executive Council or the Standing Orders Committe. The supplementary resolutions are published and serve as a guideline to the Chairman. There exists a possibility of a non application of the Standing Orders (art 43 of the Standing Orders). Appeals may be lodged against these resolutions before the Executive Council or the Standing Orders Committee.	There is no specific procedure for the reform, although there exist some variants with respect to the ordinary procedure. There is an internal control of the reforms performed by the Chairman who is assisted in that task by the Folketing's administrative Body.	Both the reforms and the interpretative rules must accord with the Constitution and the rest of the general legislation.
By the Chamber that approves the supplementary resolutions in two consecutive sittings which are published thereafter and incorporated into the Standing Orders. There are no appeals on this matter. The customs and usages are sources of the Parliamentary Law.	There is no specific procedure for the reform of the Standing Orders which must, in all the cases, include the final sanction by the Executive before its publication. There is no control system of the reforms.	Together with the Internal Standing Orders both the Constitution and the Organic Law of the Legislative Function contain important procedural rules.
By the Chamber and, especially, by the Presidency during the sittings. There is no specific procedure for filling in gaps nor are supplementary written resolutions produced. There are no appeals on this matter. Customs and usages serve to fill in gaps.	A specific procedure for the reforms is foreseen in art. 416, according to which the relevant initiative is assigned to the Bureau of the Chamber or to a minimum of 50 members. It provides for successive reports by the Commission General, the Committee on Constitutional and Legislative Affairs or an ad hoc committee. There is no external control of the reforms.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
European Parliament	Yes. The Treaties constituting the European Community.	Unicameral.	Yes. Approved by the Chamber. An internal act of the Parliament based on Community Treaties.	By the Chamber at the proposal of the Committee on Standing Orders, Verification of credentials and Privileges. There is no possibility of appealing against the interpretative rules although amendments may be proposed.
Finland	**Yes**	Unicameral	Yes. Approved by the Chamber, having in part the status of a constitutional law and in part that of an ordinary law.	By the Speaker who traditionally consults with the Speaker's Council. No appeals may be lodged, as a general rule, in this respect, albeit some types of presidential decisions may be appealed against before the Committee for Constitutional Law.
France National Assembly	Yes. The Constitution of 4th October 1958, revised on 6 occasions.	Bicameral. Each Chamber has its own Standing Orders and there exist Rules of Procedures Governing joint meetings and assemblies.	Yes. Approved by the Chamber on 3rd June 1959 and amended on 20 occasions. It has a lower rank than the Constitution and the Organic Acts.	By the President in everyday matters and by the Bureau in more serious affairs. There are no appeals against the interpretative decisions, although the constitutionality control system allows the Constitutional Council to examine both the spirit of the Law and the procedure followed in its examination and approval.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Chamber at the proposal of the Committee on Standing Orders, Verification of credentials and Privileges. The supplementary resolutions are published in the minutes and incorporated into the relevant rules. There is no possibility of not applying the Standing Orders or a specific system of appeals on this matter. Customs and usages have a scarce value.	Specific procedure provided for in articles 131 and 132. The initiative corresponds to the Bureau or to a Committee. The reforms must be approved by the majority of the Parliament members without countersigning or sanctioning. There is no system of control of the reforms.	Parliamentary customs and usages have barely any value, since the parliamentary practices of all member states would have to be taken into consideration. Internal practices usually serve to fill in gaps.
By the Speaker's Council which decides on the proposals put forward by the members of Parliament. The auxiliary resolutions of the Speaker's Council are made in writing but are not published. They are considered as administrative resolutions having a rank lower than that of the Parliament. No appeals may be lodged in this respect. Parliamentary usages and practices are mainly resorted to when the Standing Orders must be interpreted. .	Specific procedure for the reform of the Standing Orders in which the initiative corresponds to the Speaker's Council and only a reading of the proposal is contemplated. The approved reforms are published and enforced without any need for their countersigning or sanctioning by the President. There is no system of control of the reforms, except the one exerted during the course of their proceeding on an internal basis, by the Committee for Constitutional Law.	
By the Bureau of the Chamber and by the Conference of Presidents. The decisions of a general order of the Bureau are assembled in texts entitled "General Instruction of the Bureau of the National Assembly" having a status lower than the Standing Orders. Although the lack of Application of the Standing Orders is not foreseen, the Conference of Presidents may agree on a non strict application. There are no appeals on this matter. Customs, usages and precedents are the main source of Parliamentary Law.	Specific procedure for the Standing Orders reforms that limit the parliament members' initiative, imposes a single reading for their approval and obliges the Constitutional Council to pronounce itself on their conformity with the Constitution before their enforcement. The external control of their constitutionality is, therefore, implicit in the procedure (art. 61 of the Constitution).	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
France Senate	Yes. The Constitution of 4th October 1958, revised on 6 occasions.	Bicameral. Each Chamber has its own Standing Orders and there exist Rules of Procedure governing joint meetings and assemblies.	Yes. Approved by the Chamber. **It** has **a** lower rank than the Constitution and the Organic Acts.	By the Bureau of the Chamber (art. 2.3 of the Standing Orders). There are no appeals against the interpretative decision of the Bureau.
Germany Bundestag	Yes. The Fundamental Law of 23rd May 1949.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber.	By the President during the running of the sessions or by the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure if the question is about general interpretations. There is a system of appeals against the interpretative decisions with the participation of these bodies and also an external control by the Constitutional Court to which one may appeal in the case of a would-be infringement of constitutional rights.
Germany Bundesrat	Yes. The Fundamental Law of 23rd May 1949.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber (art. 52 of the Constitution).	By the President who may submit the question to the Chamber (art. 47 of the Standing Orders). There is no possibility of appeal against the interpretative decisions.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Bureau of the Chamber (art. 102 of the Standing Orders). The Bureau approves a general instruction (IGB) and determines the modalities of application of the Standing Orders that are published as an appendix and have a lower status. Some precepts provide for a decision by the bodies of the Chamber on their non application. There are no appeals on this matter. Customs and usages play an important role.	Specific reform procedure combining a power of initiative for Senators with reports from a chairman and the Committee on Constitutional Laws, Legislation and universal suffrage, Standing Orders and General Administration. The external control on constitutionality is entrusted to the Constitutional Council which must take a stance on it (Art. 61 of the Constitution) before the enforcement of the reform.	
There is no specific procedure for filling in gaps which, in practice, is done by the Council of Elders, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, the Presidium or by agreements entered into between the parliamentary groups, occasionally with written and published rules. Some rules of the Standing Orders provide for their non- application. There are no appeals on this matter, except those lodged before the Constitutional Court. Customs and usages are of paramount importance.	The reforms follow the procedure established for the motions. The initiative rests with a Parliamentary Group or 5% of the members of the Chamber. They are approved at a plenary sitting by the majority of the attending members and need no sanctioning. There exists an internal control system by the Committee on Legal Affairs and the Committee for the Scrutiny of Elections, Immunity and Rules of Procedure and an external control by the Constitutional Court.	There is no accord on the rank of the Standing Orders, but it is often stated that it corresponds to that of the "autonomous statutes" i.e, lower than the Constitution and the federal laws. Lately, Rules of Procedure are being approved that are not inmediately enforced, but must go through a test period.
By the Chamber, which may adopt a modification of the Standing Orders or make an ad hoc decision. The decision shall be published or not, according to the procedure applied. The Chamber may derogate from the Standing Orders by unanimous decision (art. 48 of the Standing Orders). No appeals are provided for on this matter. Customs and usages may have a ruling character or not.	There is no specific procedure for the reform of the Standing Orders. There is no control system on the reforms made.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Greece Chamber of Representatives	Yes.	Unicameral.	Yes. Approved by the Chamber. It has the rank of an ordinary law.	By the President. In case of opposition by any parliamentary group, by the Chamber at a Plenary Sitting. There are no appeals on this matter.
Hungary National Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber with a particular character and rank.	By the Committee on Rules of Procedure which informs the Chamber of its position. No appeals may be lodged in this respect.
India Council of the States (Rajya Sabha) and the House of the People (Lok Sabha)	Yes	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by each Chamber in the discharge of the powers conferred upon it by art. 118(2) of the Constitution.	By the Speaker. No external appeals may be lodged in this respect (art. 122 of the Constitution). As for the internal proceedings, there only exists the possibility for the members of Parliament to urge the Presidency for a clarification of its interpretative decisions, provided no undue interference is made in procedural matters.
Indonesia House of Representatives	Yes.	Unicameral.	Yes. Approved by the Chamber with the rank of an ordinary law.	By the Steering Committee. If there is controversy, the Chamber shall resolve at a plenary sitting.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Chamber which, on the President's initiative follows the procedure of a resolution discussed and voted on at a plenary sitting. Supplementary resolutions have a juridical value lower than the Standing Orders. Failure to enforce the Standing Orders is foreseen in no case. There are no appeals on this matter.	Specific procedure for the reforms attributing the initiative to the President or to a representative and providing for the study of the reform by a special Committee and for its voting at a plenary sitting. No sanctioning is required and publication is made in the Official Gazette. There is no possibility of control of the reforms.	
By the Committee on Rules of Procedure or through the approval of a reform of the Parliament. This integration does not give way to any auxiliary resolution. No particular derogation of the Standing Orders may be made nor any appeals may be lodged in this respect. Usages and practices only have significance for filling in a gap on a temporary basis.	There exists no specific procedure for the reform of the Standing Orders. There is, nevertheless, a system for the external control of these reforms, in as much as the Standing Orders must be examined, before their adoption, by the Constitutional Court.	
There exists a Rules Committee in each Chamber in charge of putting forward amendments or additions when considered necessary. The auxiliary resolutions are first published and, in the case of Lok Sabha, they are incorporated into a compilation entitled "Directions by the Speaker, Lok Sabha". They have the same status and rank as the Standing Orders. In some circumstances the Standing Orders contemplate the possibility of a non-application (for example, rule 388). Parliamentary usages and practices are given an importance similar to that of the Standing Orders themselves.	The reform procedure being contemplated is the same as the one described in the filling in procedure of the statutory gaps, with the participation of the Rules Committee. There is no external control method of the reforms of the Standing Orders, which are only subject to the control of each Chamber during their approval.	The Indian Parliament consists of two Chambers: Rajya Sabha (Council of States) and Lok Sabha (House of the People). Given the similarity of their systems, only a joint response was made.
By the Steering Committee and by the Chamber thereafter, at a plenary sitting. The procedure always ends up with a written resolution thas has the same value as the Standing Orders. Failure to apply the Standing Orders is not contemplated. There are no appeals on this matter. Customs and usages are respected but preference is given to written rules.	The Chamber may set up the procedure to be followed by the Standing Orders reforms. There exists an internal control of the reforms undertaken by the Chamber istelf.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Ireland Parliament (House of Representatives and Senate)	Yes.	Bicameral. Each Chamber has its own Standing Orders (art. 15.10 of the Constitution).	Yes. Approved by the Chambers.	By the Chairman, both in the House of Representatives and in the Senate. There are no appeals on this matter.
Israel Knesset	No	Unicameral	Yes. Approved by the Chamber following the proposal made by the House Committee, with a rank of a non government Statutory Instrument.	By the Interpretation Committee whose function consists in revising -not in altering- the President's decisions during the meetings. The decisions adopted by the Interpretation Committee may only be enforced in the future and no appeals may be lodged in this respect.
Italy Senate of the Republic	Yes.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber. The rank of the Standing Orders compares to that of the ordinary laws.	By the President. In some cases, he may consult the Standing Orders Committee. There is no possibility of appeal against the interpretative decisions, although debates may ensue following a call to the Standing Orders.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Chairman and by the Committee of Procedure and Privileges corresponding to the House of Representatives or to the Senate. Supplementary resolutions are incorporated into the Standing Orders, once they are published. Any of the Chambers may temporarily suspend the validity of their Standing Orders. There are no appeals on this matter. Parliamentary customs and usages are the base of the interpretative decisions.	Specific procedure for the reform of the Standing Orders by which the Committee of Procedure and Privileges of each Chamber studies the proposals which are approved by a resolution at the respective plenary sitting. There is no modality of control over the reforms made.	The Irish Parliament (the Oireachtas) is composed of two Chambers, The House of Representatives (Dáil Eireann) and the Senate (Seanad Eireann). Because of the similarity of their functions the office of the houses of the Oireachtas sent only one response.
By the House Committee (for which this is not the sole function). The auxiliary resolutions are published as marginal notes to the Standing Orders. These resolutions have the same value as the Standing Orders. The Standing Orders may be left without application through the adoption of ad hoc rulings by the House Committee, which may apply for a revision of the rulings given and there is also the possibility of lodging a judicial appeal before the High Court of Justice. The usages and practices shall only prevail if they do not oppose the Standing Orders.	Specific procedure for the reform of the Standing Orders contemplated in their arts. 150 and 155. The initiative is assigned to any member of the Chamber, who may put forward their proposals before the House Committee and participate in its discussions (with no voting rights if he is not a member of the said committee). The report of the House Committee is submitted to the Bureau of the Chamber to which amendments may also be submitted. The reforms are approved by the Knesset and enforced and published without any need of their being countersigned or sanctioned. There is an internal control on the reforms exerted by the House Committee with the assistance of a legal adviser.	
Through a formal modification of the Standing Orders or an interpretative decision. They have, in fact, the same rank as the Standing Orders. There exists the possibility of failing to apply certain statutory rules, but the agreement of all parliamentary groups is normally required in that circumstance. There are no appeals on this matter but calls to the Standing Orders may be made. Customs and usages have in fact, the same value as the written rules.	The reform procedure is based, with some variants, on the legislative procedure. The initiative rests with the Senators; the Standing Orders Committee must report, and the reforms are approved by an absolute majority of Senators. There is no system of control over the reforms and most outstanding of all there is no possibility of control by the Constitutional Court. .	Although in the rules hierarchy, the rank of the Parliamentary Standing Orders is compared to the ordinary law, they are separated from these by the principle of competence, reference being made to the principle of Parliamentary Standing Orders for the matters that may only be regulated by these rules

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Italy Chamber of Deputies	Yes. The Constitution of December 27 1947.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber on February 18, 1971. They are subordinated to the Constitution, and enjoy the status of a primary source regarding the principle of the separation of competences.	By the President who may occasionally consult the Giunta per il Regolamento. No appeals may be lodged in this respect although, in exceptional cases, the President may consult the Chamber.
Japan House of Representatives and House of Councillors	Yes. The Japanese Constitution enacted in 1946.	Bicameral. Each Chamber has its own Standing Orders and there are rules common to both Houses.	Yes. Approved by each Chamber with a particular nature and rank. The common rules are approved by both Chambers as ordinary laws.	By the Committee on Rules and Administration and eventually by the Presiding Officer. There exists the possibility of appealing to the Supreme Court, albeit this shall only study the appeal if there is a flagrant case of unconstitutionality. Otherwise, the independence of the Chambers shall be respected.
Kenya National Assembly	Yes.	Unicameral	Yes. Approved by the Chamber at the proposal of the Reader of Government Business. It has a rank of subsidiary legislation.	By the Speaker. Appeals may be lodged by way of motions against the interpretative decisions, which, if approved, annul such interpretations.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Giunta per il Regolamento, summoned and chaired by the President of the House. The Giunta may discuss the proposals put forward and approve auxiliary resolutions whose adoption varies on account of their complexity. These resolutions are made in writing and their text is explained by the President. They can only be construed as a norm. No appeals may be lodged in this respect. Parliamentary usages and practices have a great significance particularly regarding the interpretation of the Standing Orders and the filling in of their gaps.	There is a specific procedure for the reform of the Standing Orders, in which the initiative is entrusted to the Giunta per il Regolamento which submits a draft reform to the Chamber, following the examination of the proposals and amendments put forward by the members and the parliamentary groups. The reforms must be approved by the absolute majority of the members of the House and be countersigned by the President. There is no system of controlling these reforms.	Many reforms have been made since 1980 leading to a thorough revision of the Standing Orders approved in 1971.
By the Chambers and their respective Speakers, their Committee on Rules and Administration or Director's meeting of the Committee, which sanctions auxiliary resolutions, without there being any specific procedure for the purpose. Some of these resolutions are put down in writing and recorded as a precedent by each Chamber with a value similar to the Standing Orders. There is no possibility of leaving the Standing Orders without implementation and appeals in this respect may be lodged with the Supreme Court. Usages and practices have a great importance in this respect.	There is no specific procedure for the reforms of the Standing Orders. Nor is there a system for their control.	The Japanese Parliament is composed by two Chambers: the House of Representatives and the House of Councillors. Given the similarity of their systems only a joint response was made.
By the Speaker (Standing Order no.l) Supplementary resolutions have a similar value to the interpretative decisions of the Presidency. Failure to apply the Standing Orders is provided for in specific cicumstances, following a decision by the Speaker. There exist appeals in the form of motions against supplementary resolutions. Parliamentary customs and usages have a value similar to that of the Standing Orders.	Specific procedure for the reform of the Standing Orders confining the initiative to the members of the Chamber and providing for a report by the Standing Orders Committee and the approval by the Chamber at a plenary sitting without the necessity of any countersigning or sanctioning. There is an internal control procedure by the Chamber and an external one in as much as the reform must be subject to the Constitution.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Korea (Rep. of) National Assembly	Yes.	Unicameral	Yes. Approved by the Chamber, although sent to the Executive and enacted by the President of the Republic. It has a rank of an ordinary law.	By the Speaker who may consult the " House Steering Committee, the Legislative and Judicial Committee or the Secretary General. Appeals against the interpretative decisions may also be made before the Speaker himself.
Republic of Mali National Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber with the rank of an ordinary law. Act no. 92/ 001-AN-RM, of 23 July 1992.	By the Constitutional Court. There are no appeals on this matter.
The Netherlands Second Chamber	Yes.	Bicameral. Each Chamber has its own Standing Orders and there exist Rules of Procedure governing joint meetings and Assemblies.	Yes. Approved by the Chamber, it has the rank of a constitutional law (article 72 of the Constitution).	By the Speaker during the sittings or by the Special Committee for Procedures in other cases. In the face of interpretative decisions, motions for points of order may be made.
New Zealand House of Representatives	No.	Unicameral.	Yes. Approved by the Chamber. It has the rank of an internal rule of procedure.	By the Speaker. There are no appeals against the interpretative decisions of the Speaker.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Speaker at the plenary sittings or by the Committee Chairman in the Committees. Supplementary resolutions always adopt a written form and are published as an appendix to the Standing Orders. There is no possibility of a lack of applications of the Standing Orders. Appeals may be lodged before the Speaker or the Committee Chairman against supplementary resolutions. Customs and usages have the same value as the law.	There is no specific procedure for the reform of the Standing Orders which is performed by an ordinary legislative procedure. The control on the reforms is secured by the Chamber at the time of their adoption and by the President when they are enacted.	
By the Bureau of the Chamber or by the Conference of Presidents. The **filling-in** does not entail written or published rules. The application of the Standing Orders may be made more flexible by consensus. The classic forms of appeal against administrative decision may also be applied against supplementary resolutions. There is a short experience in matters of pluralistic parliamentary tradition and customs.	There is no specific procedure for the reform. The initiative rests with the representatives, and the reform is adopted at a plenary sitting without any need for countersigning or sanctioning. External control of the reforms rests with the Constitutional Court.	
By the Chamber that may adopt supplementary resolutions by the initiative of any member or any Committee. These resolutions have the same value as the Standing Orders and are incorporated into them. The possibility of not applying the Standing Orders (art. 167) is contemplated. Parliamentary customs and usages are codified from time to time.	Specific procedure for the Standing Orders reform (art. 163). The initiative is confined to the members of the Chambers and to the Committees. The reforms are published and, once adopted, they come into force without any need of countersigning or sanctioning. There is no control system of the reforms.	
By the Speaker. Some of his decisions are periodically published. Supplementary resolutions have a rank lower than that of the Standing Orders. There is the possibility of suspending some statutory rule by a resolution of the Chamber. There are no appeals on this matter. Customs and usages form a "third body" of procedural rules.	There is no specific procedure for the reform which, in any case, may be implemented by any member of the Chamber and is enforced without any need of countersigning or sanctioning.	As a general rule, the Standing Orders reforms are only adopted after a careful examination of the proposals of reform by a Committee composed by the senior members of the Chamber.

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Norway Storting	Yes.	Unicameral.	Yes. Approved by the Chamber. They have a rank lower than that of ordinay laws: that of "Plenary decisions".	There exist no rules in this respect. In actual practice, the Chamber decides who is the Authority who must interpret the Standing Orders. There are no appeals on this matter.
Pakistan National Assembly and Senate	Yes.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by each Chamber and given the rank of a constitutional law.	By the Speaker in the National Assembly and by the Chairman in the Senate. No appeals may be lodged in this respect.
Panama Legislative Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber through an ordinary law. It must be sanctioned and enacted by the Executive body.	By the Managing Board of the Assembly and by the Assembly itself. Appeals for unconstitutionality may be lodged before the High Court of Justice.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
There is no distinction between interpretation and incorporation or filling in of statutory gaps. This practice does not entail written or published rules. The possibility of suspending some statutory rules under special circunstances (article 64 of the Standing Orders) is contemplated. There are no appeals on this matter. Parliamentary customs and usages are of great importance.	There is a specific procedure for the reform that will come into effect on 1 st October 1993. The initiative is confined to the members of Parliament, and before the Chamber considers the Committee's report, it must be submitted to the Presidium. There is an internal control of the Chamber on the reforms.	The Norwegian Storting is divided in two bodies: the Odelsting and the Lagting. Only the texts going through both are considered as laws. The Storting's decisions at plenary sittings, just as the Standing Orders, are called Plenary decisions.
By the Speaker in the National Assembly and by the Chairman in the Senate. The auxiliary resolutions are edited and published upon their approval and subsidiarily incorporated to the Standing Orders as a guidance for future practices. The suspension of some statutory norms is possible by raising a particular motion. No appeals may lx lodged in this respect. Parliamentary usages and practices have a great importance.	Specific procedure for the reforms of the Standing Orders that, in the case of the National Assembly, is foreseen by the rule 291 of its Standing Orders. It provides as well for the possibility of the submission of amendments by the members of Parliament and for the participation of the Committee on Rules of Procedures and Privileges. The reforms are approved by majority and enforced without any countersigning or sanctioning. There is only an internal control exerted by the Chambers on the reforms of their Standing Orders.	The Parliament of Pakistan is composed of two Chambers (National Assembly and Senate). Given the similarity of their systems only a joint response was made. In the case of the National Assembly, after the approval by the President of the Standing Orders of 1973, the Chamber approved by itself on August 5,1992, its Rules of procedure and Conduct of Business in the National Assembly.
By the authority charged with directing the debate, after consulting the rules of Procedure indicating which body of existing provisions must be referred to for a supplementary interpretation. There is no possibility of a non application of the Standing Orders. Appeals may be lodged before the plenary sitting of the Chamber against the authority's decisions. Customs and usages have the same value as the Standing Orders.	There is no specific procedure for the reform of the Standing Orders other than the ordinary legislative procedure. There is only an internal control by the Assembly.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Philippines Senate	Yes.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by each Chamber (art. VI Section 16(3) of the Constitution).	Each Chamber may approve or reject the decisions of the respective Presidency or Committee on Rules. There is an internal control.
Poland Senate	Yes. Composed by different constitutional laws.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chsmber on 23rd November 1990. It has the same rank as the ordinary law but differs from it in its adoption procedure and real weight.	By the Speaker and by the Presiding Board (art. 8 and 9 of the Standing Orders). There are no appeals on this matter except what the Constitutional Court may consider on examination of the constitutionality of a law.
Poland Sejm	Yes. Composed by several constitutional laws of which the main one is the Constitutional Act of October 17, 1922 on the relationship between the legislative and the executive powers of the Republic of Poland and the Local autonomous power	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber on July 30, 1992 by way of a resolution of the Chamber of such a nature over which there is no doctrinal agreement. It builds a different legislative resolution of the laws that is submitted to the Constitution and to the control of the Constitutional Jury.	By the Presidium that if necessary, holds consultations with the Committee on Procedure and Members' Matters. Its interpretative decisions are focused on the resolution of individual cases and, although not published, they are unofficially compiled. No appeals are lodged in this respect.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By each Chamber that may approve or reject the proposals of the respective Committee on Rules. As for the Senate, it is planned to refer to the precedents or to the rules of the Jefferson's Manual and to an additional procedure that are incorporated into the Standing Orders (Rule XLIX, Section 112 of the Standing Orders). There is the possibility of failing to apply the Standing Orders following a decision of the majority of Senators (Rule XLII of the Standing Orders). There are no appeals on this matter. Customs and usages are only applied by omission of a written rule.	Specific procedure for reform, which confines the initiative to the members of Parliament. Following a report by the Committee on Rules, the Chamber decides at a Plenary Session. There is only an internal control procedure by the Chamber over the reforms of the Standing Orders.	
It may be done by resorting to parliamentary customs or by creating a certain practice.	Specific procedure for reform which assigns the initiative to the Presiding Board, the Standing Order and Senators' Affairs Committee or, at least, to 10 Senators. The approval requires the agreeing vote of the majority of the present members and, at least, half of the total number of Senators. No countersigning is needed and the reform is signed by the Speaker, disclosed to the other constitutional bodies and published thereafter.	
By the Presidium which decides on many a case contemplated in the Standing Orders or through their interpretation. The procedure for the approval of auxiliary resolutions is not envisaged and is based on the establishment of customs and practices by the Presidium. The auxiliary resolutions are published and have the same rank as the Standing Orders. The non application of the Standing Orders is not contemplated, albeit their reform always stands as an open possibility. No appeals may be lodged in this respect and the prevailing usages and practices have a secondary importance.	The ordinary legislative procedure is not applied to the reforms but only that of the Chamber resolutions (arts 30 and ff. of the Standing Orders). The initiative corresponds to the Presidium, the Committee on Procedure and Members' Matters or to a group of at least 15 members of Parliament. The proposals and the amendments are put forward in a procedure that provides for two readings and the approval by a majority provided a quorum, made up by half of the parliament members, is reached. No countersigning or sanctioning is required. The control of the constitutionality of the reforms is assigned to the Constitutional Jury.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Republic of Portugal Assembly of the Republic	Yes. The Constitution of the Republic of Portugal dates back to 1976.	Unicameral.	Yes. Approved by the Chamber. It adopts the form of a Resolution and has only internal juridical effects.	By the Bureau which must consult the Standing Committee on Constitutional Affairs, Rights, Liberties and Guarantees. The decisions of the Bureau may be subject to appeal before the Assembly at a plenary sitting.
Spain Congress of Deputies	Yes. The Spanish Constitution of 27th December 1978.	Bicameral. Each Chamber has its own Standing Orders. The Constitution (art. 72.2) provides for a set of rules of Procedure of the "Cortes Generates" for joint assemblies, that has not been approved yet.	Yes. Approved by Chamber on 10th February 1982. They have a particular rank and character: they are submitted to the Constitution and not related to the laws by a hierarchical principle but by a principle of competence.	By the President. When a resolution of a general character is intended to be given for an interpretation, the favourable vote of the Bureau and the Board of Spokesmen shall be necessary (art. 32.2 of the Standing Orders). According to the jurisprudence of the Constitutional Court, these Resolutions have the same value as the Standing Orders, so that they may be appealed against before the Constitutional Court itself.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Bureau, which must consult the Standing Committee on Constitutional Affairs, Rights, Liberties and Guarantees. The decisions of the Bureau, if written, are published in the Official Gazette. Both written and non written decisions form the customs and usages of the Chamber not incorporated into the Standing Orders. In certain urgent circumstances the non application of the Standing Orders is contemplated. Appeals may be lodged before the plenary sitting against the supplementary resolutions of the Bureau.	Specific procedure for the reform that confines the initiative to one tenth of the total number of deputies, contemplates a report of the Standing Committee on Constitutional Affairs, Rights, Liberties and Guarantees, and a debate and voting at a Plenary Session. The reforms are adopted by an absolute majority of the attending representatives without any necessity of sanctioning. There is an internal control of the reforms by the Assembly and an external control as of the date of their publication.	
By the President. When a resolution of a general character is planned for filling in the statutory gaps, a favourable view of the Bureau and the Board of Spokesmen shall be necessary (art. 32.2 of the Standing Orders). Supplementary resolutions have, according to Constitutional jurisprudence, the same value as the Standing Orders to which they are incorporated in their successive editions. There is no possibility of not applying the Standing Orders, although some of their rules enable the President or the Chamber to agree on their flexible application (art. 73.2 of the Standing Orders, for instance). Supplementary resolutions may be appealed against before the Constitutional Court. Customs and usages have a supplementary value as regards the written rules.	Specific procedure for reform (second final provisions of the Standing Orders) which wholly integrates it into the procedure followed for the bills submitted at the initiative of the Congress, with the only variation, that, for its approval, a final voting of totality by an absolute majority (article 72 of the Constitution) is required. Save the internal control performed by the Chamber, the reforms may only be submitted to an external control of constitutionality by the Constitutional Court when the appropriate appeal is lodged.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Spain Senate	Yes. The Spanish Constitution of 1978.	Bicameral. Each Chamber has its own Standing Orders. The Constitution (article 72.2) provides for a set of rules of Procedures of the "Cortes Generales" for joint assemblies, that has not been approved yet.	Yes. Approved by the Chamber on 26th May 1982. They have a particular rank and character: they are submitted to the Constitution and not related to the laws by a hierarchical principle but by a principle of competence.	By the President. When in the exercise of this function he decides an interpretative resolution, the Board of Spokesmen shall be heard (art. 44 d) of the Standing Orders). According to the jurisprudence of the Constitutional Court, these resolutions have the same value as the Standing Orders so that they may be appealed against before the Constitutional Court itself.
Switzerland Federal Assembly	Yes. The Federal Constitution of the Swiss Confederation of 29th May 1874.	Bicameral. Each Chamber has its own Standing Orders and there exist independent Rules of Procedure governing joint meetings and assemblies.	Yes. Approved by each Chamber. The Standing Orders of the National Council of 22nd June 1990 and the Standing Orders of the States Council of 24th September 1986. The Standing Orders of the Federal Assembly (both Chambers) date back to 8th December 1976. They have a particular character among parliamentary decisions.	By the respective Bureaux and Presidents of each Chamber. There are no appeals against the interpretative decisions other than the order motions upon which the Plenum shall decide.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the President, in agreement with the Bureau of the Standing Orders Committee. When, in the exercise of this function, he dictates a supplementary rule, the Board of Spokesmen shall be accordingly heard (articles 37.8 and 44 (d) of the Standing Orders). Supplementary resolutions have according to constitutional jurisprudence, the same value as the Standing Orders, to which they are incorporated in successive editions. There is no possibility of not applying the Standing Orders, although some of their rules enable the President or the Chamber to agree on their flexible applications (articles 85.2 and 90 of the Standing Orders, for instance). Supplementary Resolutions may be appealed against before the Constitutional Court. Customs and usages have a supplementary value as regards the written rules.	Specific Procedure for reform (art. 196 of the Standing Orders) that assimilates it to the procedure followed on the bills, where by the competence of the Standing Orders Committee and the necessity of a final voting are established, thus, requiring for its approval a favourable vote of the absolute majority of Senators (article 72 of the Constitution). Except for the internal control by the Chamber, the reforms may only be submitted to an external control of their constitutionality by the Constitutional Court when the appropriate appeal is lodged.	
By the respective Bureaux of each Chamber. Supplementary resolutions may have a written or a verbal form and adopt the value of a precedent as regards future decisions. There is no possibility of a failure to apply the Standing Orders. There are no other appeals than the Order motions at the Plenum. Customs and usages have a supplementary value as regards the written rules.	There is no specific procedure for the reform other than the ordinary legislative procedure, although, as a general rule, the statutory bills of the National Council are submitted to a second reading. There is no modality of control over the reforms.	Given the similarity of the working systems of the two Chambers of the Federal Assembly, only a joint response was sent.

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Tanzania National Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber with the rank of a Government Decree.	By the Presidency. There exists the possibility of appeal against the interpretative resolutions of the Presidency. The appeals may be lodged by members of the Chamber only.
Kingdom of Thailand Senate	Yes. The Constitution of the Kingdom of Thailand R.E. 2534(1991).	Bicameral. Each Chamber las its own Standing Orders.	Yes. Approved by the Chamber as an internal rule. Currently at a draft stage, so that, pending their approval, the Rules of Procedure of the House of Representatives (Section 15 of the Constitution) are applied.	By the Chamber. There are no appeals on this matter.
Uganda National Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber itself with the rank of a constitutional law'.	By the Speaker who operates alone in this matter. No appeals may be lodged in this respect.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Presidency and the Standing Orders Committee. Their decisions are compiled and incorporated into the Standing Orders thereafter.	Specific procedure for the reform of the Standing Orders confining the initiative to the members of Parliament. There is no material limitation to the reform, although it must comply with the Constitution. The reforms are approved by a majority of the Chamber without the necessity of sanctioning. There is an internal control procedure of the reforms.	
By the Chamber, although the need has not been felt, for the time being, for filling in gaps.	Specific procedure for the reform of the Standing Orders which confines the initiative to a minimum of 30 Senators and where three readings are contemplated. No sanctioning is required and the reform is enforced after its publication. There is no modality of control over the reforms of the Standing Orders, but they may not be opposed to the Constitution.	
By the Committee on Rules and Procedure, which does not act according to a procedure established beforehand nor does it adopt auxiliary resolutions. The suspension of the application of the Standing Orders in order to discuss any urgent subject may be possible. No appeals may be lodged in this respect.	There is no specific procedure concerning the reforms of the Standing Orders nor is there any system for their control.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
United Kingdom House of Commons	No.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber under a special status based on parliamentary autonomy. Its Standing Orders are not exhaustive, because many procedures derive from practice.	By the Speaker at a plenary sitting or by the respective Chairman in the Committees or in the Committee of the Whole House. Motions against the interpretative decisions may be lodged that are normally examined by the Committee on Procedure.
United Kingdom House of Lords	No.	Bicameral. Each Chamber has its own Standing Orders.	Yes. Approved by the Chamber on the recommendation of the Select Com mitee on the Procedure of the House. There is also an authoritative guide for their interpretation: "The Companion to the Standing Orders and guide to the proceedings of the House of Lords".	By the House following advice by the Procedure Committee. There is a possibility of appeal against the interpretative guidance by the Leader of the House; these are lodged before the Procedure Committee and resolved upon by the Chamber.

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Committee on Procedure or by the Speaker. Supplementary resolutions have a variable duration and are not included in the Standing Orders , which are overriding in relation to any former relevant cases. "Sessional resolutions" may be approved which have validity only for one session (i.e., usually, one year) and, accordingly, leaving the Standing Orders without application. Motions may be raised against the Chair's supplementary resolutions, but not when the Chamber has expressed its views. Customs and usages have a considerable importance.	In practice, legislative procedure is not used for formulation of Standing Orders. Any reform is adopted by a Motion of the Chamber, generally at the government's proposal after consultation within the House. The House exerts an internal control over the reforms.	
By the Chamber following the report of the Procedure Committee. The opinion of the Leader of the House, although not binding for the Chamber, is weighed too. Amendments of the Standing Orders are published in the successive editions and are normally incorporated into the "Companion". The former have the same value as the Standing Orders. The advice of the Leader of the House is only followed if it coincides with the "feeling" of the Chamber. Suspension of Standing Orders is provided for in times of emergency. There are motions of appeal against these resolutions. Customs and usages have a great importance.	There is a specific procedure for the reform, of a non-written character. The initiative is confined to the members of the Chamber and the matters limited to its jurisdiction. The Chamber decides following the report of the Procedure Committee and the reform does not need either countersigning or a sanction. The internal control of the reforms is exercised by the Chamber. The Chamber usually conducts its activities in an orderly way following consensus and respecting the Standing Orders, of which only 83 exist. Many of them date back centuries ago. The most recent one was adopted in 1975.	

Country/ Chamber	Written Constitution	Parliament	Written Parliamentary Standing Orders	Interpretation of the Standing Orders
Uruguay Chamber of the Senators of the Republic	Yes.	Bicameral. Each Chamber has its own Standing Orders and there is an independent set of Rules of Procedure governing joint meeting and assemblies (art. 101 of the Constitution).	Yes. Approved by the Chamber with the Status of an ordinary law.	By the President (art. 110 of the Standing Orders). There are only internal appeals against the interpretative decisions.
W.E.U. Parliamentary Assembly		Unicameral.	Yes. Approved by the Chamber.	By the Committee on Standing Orders and Privileges. They may also be approved by the Committee of Presidents.
Zambia National Assembly	Yes.	Unicameral.	Yes. Approved by the Chamber at the proposal of the Standing Orders Committee. It has a Constitutional rank (art. 86.1 of the Constitution).	By the Speaker, who may consult the Standing Orders Committee. Motions may be raised against the interpretative decisions of the Speaker to be discussed by the Chamber.
Zimbabwe Parliament	Yes.	From June 1990 the Parliament of Zimbabwe became unicameral again.	Yes. Approved by the Chamber at the proposal of the Committee of Standing Rules and Orders. They have a Constitutional rank.	By the Speaker with the assistance of the Secretaries-at-the-Table. There are no appeals on this matter

Filling-in statutory gaps	Reform of the Standing Orders and Control	Other remarks
By the Senators, the Plenary Chamber and the Secretariat of State. There is no procedure applicable to the incorporation other than the articles of the Standing Orders referring to the interpretation and reform. No possibility is contemplated of not applying the Standing Orders. There exist internal appeals on this matter. Customs and usages are gathered for their precedent value.	There is no specific procedure for the reform of the Standing Orders other than the ordinary legislative procedure. There is no modality of control over the reform.	
By the President with the agreement, sometimes, of the Chamber. His decisions are compiled in a Precedents Record Book. Some statutory precepts (art. 31 and 32) permit a non application in specific cases. There are no appeals on this matter. Customs and usages have an indicative, not an imperative value.	Specific procedure in which the initiative rests with the Standing Orders Committee or with at least ten representatives.	
By the Speaker or by the Chamber itself. Supplementary resolutions emanate generally from the Presidency and are incorporated into the Standing Orders. The possibility is foreseen of a failure to apply the Rules of Procedures in certain circumstances (for example, Standing Order 94). Motions may be lodged against the supplementary resolutions. Customs and usages are the third source of parliamentary law.	Specific procedure for reform contemplated by the Standing Order N^{o} 137. The initiative is confined to the members of the Chamber, whose proposals are referred to the Clerk of the Assembly, who in turn, submits them to the Standing Orders Committee. Finally, the Chamber decides on their approval. There is no legal control over the reforms.	
By the Committee of Standing Rules and Orders, although there is no system for drawing up supplementary resolutions. Customs and usages have a great importance for the decisions of the Speaker, even those of other countries, above all the United Kingdom.	There is no specific procedure for the reform of the Standing Orders. The internal control of the reforms is exerted by the Chamber itself.	

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The Association of Secretaries General of Parliaments, constituted as a consultative body of the Inter-Parliamentary Union, seeks to facilitate personal contacts between holders of the office of Secretary General in any Parliamentary Assembly, whether such Assembly is a Member of the Union or not.

It is the task of the Association to study the law, procedure, practice and working methods of different Parliaments and to propose measures for improving those methods and for securing co-operation between the services of different Parliaments.

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