



Rules of Order

FOR THE PARLIAMENT OF SINT MAARTEN

V 2.5

Chapter 1

Definitions

Article 1

In these Rules of Order is understood by:

- a. President: the President of Parliament;
- b. other countries: Aruba and Curaçao.

Chapter 2

The verification of credentials

Article 2

Each newly elected member of Parliament provides proof of his election by submitting to Parliament the documents as prescribed by law, constituting his credential.

Article 3

1. Parliament appoints a committee of three members which has the task to verify the credentials of the members of Parliament. The first appointed committee member shall be President.
2. If Parliament has not yet approved the credentials of the newly to be admitted members, after a periodic resignation or after the dissolution of Parliament, the committee is appointed in a public gathering, in which at least half plus one of the legally elected members is present.

Article 4

1. The committee reports in writing or verbally, after having verified the credentials, the other documents as required and those received pertaining to the election.
2. The credentials and the documents related to them will be made available for perusal by the members of Parliament at the secretariat of the Clerk.

Article 5

If the committee or Parliament deems it necessary that in order to assess the legality of the elections, documents or information is to be submitted, the Minister of General Affairs is invited to provide the documents or the information to them.

Article 5a

On the recommendation of the Presidium, Parliament shall establish, by a separate resolution, the code of conduct for the members of Parliament.

Chapter 3

The Presidents, the Vice Presidents, the Presidium, the Assembly of Seniors and the Secretariat

Article 6

1. In the first public meeting to be held after a periodic resignation or dissolution, Parliament appoints the President and the Vice Presidents.
2. As long as such appointment has not taken place yet, the President or the Vice President as appointed for the preceding period acts as President, if he forms part of the new Parliament.
3. In the absence of such a person, the member of the new Parliament who, amongst the members has had the longest membership in the Body the member who is the oldest in age acts as President, if there is no such person, the member who is the oldest in age acts as President.
4. Parliament can relieve a sitting President or Vice President prematurely of his duties and appoint another member as President or Vice President.

Article 7

After each appointment of a President Parliament appoints a number of Vice Presidents as decided by Parliament, of whom the hierarchy is determined by the sequence of appointment.

Article 8

1. The tasks of the President consist in any case of:
 - a. directing the tasks of Parliament and of the Presidium;
 - b. ensuring compliance with the Rules of Order;
 - c. maintaining order during the deliberations, and suspension thereof;
 - d. executing the decisions taken by Parliament;
 - e. representing Parliament.
2. The President is authorized to attend every committee meeting.
3. The President in consultation with the government and with the approval of Parliament, considering the Constitution and the Mutual regulation procedural law and that which is further stipulated in these Rules, establishes a procedural plan on how to regulate the handling by Parliament of draft national ordinances and draft uniform national ordinances.

Article 9

If the President wishes to take the floor, other than to perform his tasks of presiding, he leaves the chair. The President does not return to the chair while the subject is being discussed.

Article 10

1. If the President is not available, the presidency is observed by one of the Vice Presidents in accordance with the order described in article 7.
2. The Acting President has the same tasks and authorities as the President.

Article 11

1. The President and the Vice Presidents jointly form the Presidium. The President appoints a replacement for each member of the presidium, who in the absence of said member, will attend the meeting of the Presidium in his place.
2. The Presidium takes decisions by a majority only if all members or their replacements are present; if the votes are tied, the President decides.
3. The Presidium is assisted by the Clerk.

Article 12

1. There is an Assembly of Seniors (Seniorenconvent).
2. The Assembly of Seniors consists of the President and the faction leaders.
3. In the absence or unavailability of the leader of a faction, a member appointed by the faction may replace him.

Article 13

1. Parliament, in addition to the Clerk, appoints one or more Acting Clerks. These replace the Clerk when necessary. If impeded, absent or unavailable, the Clerk is replaced by the civil servant in the secretariat, who is the highest in ranking and function.
2. The other employees are appointed and/or employed on contract under civil law by the Presidium upon the proposal of the Clerk.
3. The Presidium may for the execution of the provisions of the previous paragraph establish further instructions.
4. Deliberations concerning the functioning of the Clerk and the personnel of the secretariat are held behind closed doors.

Article 14

The Minister of General Affairs, the General Audit Chamber and the person concerned will be notified of the appointment, suspension and discharge of the Clerk of Parliament and the rest of the staff of the secretariat.

Article 15

1. The Clerk manages the secretariat.
2. The Presidium exercise supervision hereupon.

Article 16

The Clerk is in charged with multiplying all documents received by Parliament which by their nature are to be sent to the members, if necessary, printed and distributed, or sent to the members in any other form.

Chapter 4

Estimate and management financial resources

Article 17

1. The Presidium annually makes the estimate of the expenditures required for Parliament in the following year and sends this before the first of May to the Minister of Finance.
2. The Clerk on behalf of the Presidium is responsible for the management of the parliamentary budget.
3. In a separate regulation, adopted by Parliament on the proposal of the Presidium, rules will be established for the allocation of financial resources to the factions and for the management of these resources by the factions.

Chapter 5

The factions

Article 18

1. The members on the same list who are declared as having been elected by the central electoral bureau are, at the commencement of the session, considered as a faction. If only one member on a slate is elected, then this member is considered as a separate faction.
2. This faction notifies the President in writing of subsequent changes in the composition of the faction.
3. Each faction communicates in writing the composition of its board to the President.

Article 19

1. If there is a split in a faction that results in the formation of one or more new factions, then the financial entitlement of the factions involved is determined on the basis of the amounts found by dividing the entitlement that the undivided faction would receive, in proportion to the numbers of members involved in the split.
2. If a new faction is created by merging, then the entitlement of the newly formed faction cannot exceed the entitlement attributed to a faction of equal size.
3. To comply with obligations towards the employees of the original faction, the Presidium may, contrary to the first and second paragraph, provide a temporary arrangement.

Chapter 6

The reception and escort of the Governor

Article 20

1. When the Governor advances the chambers of Parliament to give an exposition of the policy of the government or to accept his office, he is awaited at the entrance of the building by a committee that has been appointed in advance by the President for that purpose.
2. The members of this committee escort the Governor to the seat designated for him and then they take their seat. Upon arrival as well as on departure of the Governor, the other members shall rise in greeting.
3. Upon his departure, the Governor is escorted by the members of the committee.
4. The preceding is likewise applicable to the Acting Governor.

Chapter 7

The committees

Article 21

1. There are:
 - a. a central committee;
 - b. a committee for petitions;
 - c. permanent committees, and
 - d. ad hoc committees.
2. All members are part of the central committee.
3. At the beginning of each parliamentary year, as well as in the first public meeting after a periodic resignation or after the dissolution of Parliament, the President assigns the members to the permanent committees for the investigation of certain subjects and to the committee for petitions, unless Parliament decides otherwise.
4. If necessary ad hoc committees are installed.
5. Each committee is assisted by a Clerk or a civil servant of the secretariat of Parliament appointed by the Clerk.
6. All members have the right to participate in the meetings of all committees, only the members of the pertinent committee have the right to vote.

Article 22

For the proper fulfillment of its functions, the central committee amongst other is authorized to:

1. direct itself to a Minister for the purpose of obtaining all the documents of which it considers cognizance thereof necessary;

2. to consult with one Minister or more ministers orally or in writing;
3. hold hearings;
4. make work visits;
5. involve external experts;
6. handle advice from the permanent and ad hoc committees; and
7. decide on official trips according to the Regulation for compensation of travel and accommodation expenses for members of Parliament.

Article 23

1. The central committee meets at times to be determined by the President.
2. The President convenes it within 14 days as many times as either the Government or three members express such wish stating the reasons for the request.

Article 24

1. The quorum for central committee meetings is constituted by half plus one of the number of members.
2. If for a central committee meeting, to which third parties have been invited, this number of members is not present, the meeting may continue nonetheless provided that in that meeting at least half of the number of factions is represented by one or more members and at least half plus one of the number of members are part of the factions present.
3. For meetings of other committees the quorum is formed by at least half plus one of the number of factions, who are member of the committee and at least half plus one of the number of members are part of the factions present.

Article 25

1. The President and the Vice Presidents of Parliament are respectively the President and the Vice President of the central committee.
2. Each permanent or ad hoc committee, as well as the committee for petitions, appoints its own chairman and vice chairman from among its members. The President of Parliament is notified hereof in writing.
3. The committee for petitions is bound to reply the petitioner in writing within a period of twelve weeks after receipt of the petition.

Article 26

1. The Presidents of the committees are also their reporters.
2. The President of each committee reports on the progress and state of affairs of the committee if the President requests such.
3. If the committee has become incomplete because of resignation or death, or if its proceedings are obstructed by the persistent absence of one or more members, the membership is completed, observing article 19.

Article 27

1. The meetings of the committees are public; Parliament may decide that meetings of certain committees are allowed to be closed to the public.
2. A committee may decide that its meetings on procedures are closed door meetings.
3. Pursuant to a proposal of a member of the committee or a minister, a committee may decide to hold a closed door meeting. If the proposal is made during a public meeting, the doors are closed until a decision is made on the proposal.

Article 28

1. The committees may decide to invite persons or institutions to provide additional information for an investigation as meant in article 21.
2. If a committee wishes to be informed by civil servants, then it will invite them thereto through the minister.

Chapter 8

Preliminary investigation

Article 29

1. The committees regulate the preliminary investigation in a manner they consider as most suitable.
2. With regard to draft uniform national ordinances, they contact through the Clerk the President of the Parliaments of the other countries, in order to achieve through joint consultation, that the preliminary investigation of these subjects in the countries evolve as much as possible simultaneously.

Article 30

1. A proposal, document, memorandum, draft national ordinance, draft kingdom law or petition received by Parliament is placed in the hands of one of the committees by a decision of the public meeting on the proposal of the President.
2. If the President of Parliament considers that a particular subject is of such an urgent nature that a decision as referred to in paragraph 1 cannot be awaited, he is authorized to refer the proposal, document, memorandum, draft national ordinance, draft kingdom law or petition to a committee. This is communicated in the next public meeting.

Article 31

1. The committees make a decisions list that is signed by the reporter of the committee concerned. This decisions list may also be co-signed by other members.
2. The central committee reports, directly to Parliament, except as provided in the fourth and fifth paragraphs. Permanent and ad hoc committees report to the central committee.
3. Such a report must always contain a specific proposal. It is sent to the members as soon as possible.
4. The central committee reports, directly to the government, in cases involving a draft national ordinance. The sentiments of each faction are expressed in that report. The report is communicated to the members.
5. Incoming draft kingdom laws are handled, in similar manner as referred to in paragraph 4, with the understanding that the central committee reports to the President of the Second Chamber of the States General.
6. If the report concerns a draft uniform national ordinance, the central committee sends a copy to the President of the Parliament of the other countries.

Article 32

1. If the President himself has referred a subject of an urgent nature as referred to in article 30, second paragraph, to the central committee, the report of the central committee is deemed to reflect the sentiments of Parliament.
2. In all the cases in which the central committee may agree with the urgent nature of the subject, it makes its opinion regarding the subject known, which subject must be discussed in the next public meeting.

Chapter 9 Convening public meetings

Article 33

1. The President convenes meetings as often as he deems it necessary or if this is requested in writing by at least three members, stating the reasons therefor.
2. He determines the date, time and place of the meeting, taking into account what is stipulated with regards to public meetings in the Constitution of Sint Maarten and in these Rules of Order.
3. If the meeting is requested in the manner prescribed in paragraph 1, it is held within 14 days.
4. The members are invited in writing four days prior to the date on which it is held. If this is not possible, the convocation may be done by other means. The convocation mentions the topics to be discussed. Simultaneously with this convocation a public announcement goes out with the date, time, place and agenda of the meeting.
5. A meeting, which is an urgent meeting, which has been called according to the first paragraph, is called and held within 4x24 hours.

6. Documents related to the topics to be discussed are sent to the members, in any appropriate form, or made available for perusal by them through the intervention of the Clerk.
7. With respect to drafts of uniform national ordinances, the President, in consultation with the Presidents of the parliaments of the other countries, promotes in as much as possible the simultaneous progress of the handling in the public meetings of the parliaments of the countries.

Article 34

1. Each member signs upon entering the meeting the attendance list that is kept by the Clerk.
2. As soon as the attendance list is signed by at least by half plus one, the President opens the meeting. Said list remains at the table of the Clerk for signing by members arriving later.

Article 35

1. If half an hour after the time for which the meeting is scheduled, the required number of members is not present, the President opens the gathering. He has the names of the members read and establishes that the required number of members present in order to deliberate and to decide is missing. The President also makes mention of any incoming notices of absence of the absent members. A report is made hereof.
2. If half an hour after the time for which the meeting is scheduled, the required number of members is not present, the President may decide to move the time for which the meeting was called to a later time on the same day. He notifies the members present hereof. If he considers that such a postponement is not deemed useful, or if it appears that at the delayed start time a quorum still has not been reached, article 33, paragraph 1, second sentence, is likewise applicable.
3. The meeting is then called and held within 4x24 hours. The first and second paragraph is likewise applicable if the required number of members is not present at this meeting either.
4. The meeting is called for the third time and held within 2x24 hours. The first paragraph is likewise applicable, if the required number of members is not present for this meeting. In this case a complete new meeting is scheduled.

Article 36

1. When half plus one of the members is no longer present at the meeting, or if half an hour after the time that an adjourned meeting should have started, half plus one of the number of members is not present, the President adjourns the meeting till further notice after having assured himself through a roll call of the number of members present.
2. When a meeting is suspended or adjourned, the meeting will again be called and held within fourteen days.

Article 37

The President may suspend or close a meeting if he deems this desirable in view of the course of the proceedings or to maintain order.

Article 38

1. Minutes are made of each public meeting. These include besides the names of the members present, the ministers and the persons that they designate pursuant to article 63, paragraph 3, of the Constitution, also the names of the absent members, a brief description of the contents of all incoming documents, a rendering of what has been said, an indication of the results of the voting stating the names of the members who voted for and against, a description of all communications, notices, and proposals, and of all decisions made by the President or the meeting.
2. Each member is at liberty, with respect to a decision taken, to have it recorded that he does not concur therewith, without stating the reasons.

Article 39

1. The minutes as drafted by the Clerk are printed or made available in any appropriate form, sent to the members and the government, and approved as soon as possible. After the approval, they are signed by the President and the Clerk.
2. If it is decided to amend or supplement the minutes, then such is recorded in the minutes of the meeting in which it was decided to make this amendment or supplement, and in a memorandum that must be attached to the minutes to which they pertain.
3. The part of the minutes that include the handling of a uniform draft national ordinance, as well as the memorandum as referred to in the second paragraph, which refers to this part of the minutes, is also sent to the Presidents of the Parliament of the other countries.

Article 40

1. Parliament regulates its tasks either on a proposal by the President or that of a member. The regulation of the tasks in general takes place at the beginning of a meeting.
2. In the regulation of the tasks, the President briefly mentions the documents received since the last meeting and makes proposals for the handling of these documents. Deliberation concerning these documents regards solely the procedure to be followed for the handling of them.
3. If an incoming document concerns a petition that has not been signed, is incomprehensible or is of an offensive nature, it is set aside by the President. The President each time notifies the meeting and, as far as possible, the interested party, of the item set aside.

Article 41

1. An urgent debate is held when a written request therefore is supported by at least three members.
2. The request is done during the regulation of tasks, stating the subject of the urgent debate.
3. The President stipulates the date and time on which the urgent debate will be held.

Article 42

1. No member takes the floor than after requesting this of the President and having received such from him.

2. The President grants the floor in the sequence in which it is requested. That sequence appears from the signing of a list, which is available for signing with the Clerk for each subject to be deliberated.
3. After the members who have signed in have spoken, the President gives the opportunity to make remarks on what was said.

Article 43

The President may permit interruptions. These must consist of brief remarks or questions without introduction.

Article 44

1. The sequence of the speakers may be interrupted if a member requests the floor for a personal fact, to make a proposal of order concerning the proposal being deliberated or to ask for a point of clarification; in which cases the floor is given in the same sequence.
2. The President gives the floor for a personal fact only after a provisional indication of the fact is given. The decision as to whether something constitutes a personal fact lies with the President.
3. A proposal of order may be made either by the President, or by a member. A proposal of order from a member is only considered if it is supported by at least two other members.

Article 45

1. A member who has the floor may submit motions concerning the subject being deliberated. Such a motion must be formulated concise and clear, presented in writing and signed by the proponent. It can only be deliberated upon if it is co-signed or supported by at least two other members.
2. Motions are handled simultaneously with the deliberation on the subject being handled, unless parliament decides to have it done later.

Article 46

A proposition for suspension of the deliberation has to be supported by at least two members.

Article 47

A speaker can be reminded by the President during his address to comply with the Rules of Order.

Article 48

1. Every member speaks standing from his seat or podium and addresses the President.
2. The preceding paragraph applies likewise to the ministers.

Article 49

1. The President calls to order the speaker who deviates from the subject being discussed.
2. If the speaker does not heed the admonishment of the President, the President may deny him the floor.

Article 50

1. If the speaker permits himself the use of insulting expressions, disrupts the order, breaches his obligation to maintain confidentiality or assents or encourages unlawful acts, he is admonished by the President and called to order.
2. If the speaker does not heed the admonishment of the President, the President may deny him the floor.

Article 51

1. A member who is denied the floor in a meeting is not allowed to take part any longer in the deliberations on that subject.
2. The President can exclude the speaker to whom the previous article has been applied and any member who is guilty of conduct as referred to in that article, from the meetings, starting on the day on which the exclusion takes place. The excluded member is obliged to immediately leave the meeting hall.
3. The President ensures that the excluded member is forced to leave the meeting hall with the police if necessary, and that the member, if the member re-enters the meeting hall during the exclusion, is removed from it.
4. At the request of the majority of Parliament, the President may, stating compelling reasons, deny one or more persons access to the Parliament building. If necessary, he can deny access to the building with the help of the police.

Article 52

Before the start of the deliberations on a subject, Parliament may, on the proposal of the President or that of three members present in the meeting hall, impose rules regarding the duration of the speeches of the members.

Article 53

For each subject or proposal deliberated upon which is divided into sections or articles, the general discussion is on the subject or proposal first, followed by deliberation on the sections or articles separately.

Article 54

1. When the President deems that the subject has sufficiently been expounded, he proposes to the meeting to close the deliberations.
2. For the same reason, the closing of the deliberation can also be proposed by three members.
3. Before bringing a proposal for the closing of the deliberation to a vote, the President asks the ministers present if they still wish to address the subject.
4. With regard to a draft uniform national ordinance the Clerk notifies the Presidents of the Parliaments of the other countries of the closing of the deliberation.

Article 55

1. If the deliberation regarded a draft uniform national ordinance, it will not be voted upon if the President has not been informed by the Clerks of the Parliaments of the other countries that the deliberation on the draft is also closed in these Parliaments.
2. The President or two members may propose to have a preliminary vote on the sections or articles of the draft and if desired on the draft as a whole, while waiting for the notification of the Clerks of the Parliaments of the other countries. On this preliminary vote the stipulations of these rules are equally applicable. The result of the preliminary vote is for the purpose of information only.
3. If the preliminary vote as referred to in the preceding paragraph has taken place, the Clerk notifies forthwith the Presidents of the Parliaments of the other countries and the President of the Ministerial Cooperative Council of the result of that vote.

Article 56

1. A draft uniform national ordinance is not subjected to a vote as referred to in article 55 if:
 - a. the President is notified by the Clerk of another country that proposals to amend the draft have been accepted in that parliament;
 - b. the President is notified by the Clerk of another country that the draft has been rejected by that parliament.
2. In a case as referred to in paragraph 1, subsection a, the deliberation on the draft is suspended.
3. In a case as referred to in paragraph 1, subsection b, the deliberation on the draft is closed and the draft is considered by Parliament as rejected.
4. If a draft uniform national ordinance is sent to Parliament for the second time pursuant to the Mutual regulation concerning uniform procedural law, the public debate thereof is not to be reopened until the draft has been subjected again to a preliminary investigation as referred to in chapter 8 of these rules. The public debate continues again with a deliberation on the draft.

Article 57

1. After the deliberation has been closed, the meeting votes. The members are given the opportunity to motivate their vote, briefly and concisely.
2. If none of the members wishes to vote by roll call, then the article, proposal or subject being discussed is deemed to have been carried by a unanimous vote. Nonetheless, members present in the meeting can request to have it recorded that they be considered as having voted against; in that case, the decision is deemed to have been carried with the votes of the other members.
3. If one of the members wishes a vote by roll call, then lot decides with which member the voting will start. The members are given the opportunity to motivate their vote briefly. The President casts his vote as last.
4. Each member is obligated to cast his vote and does so with the words "voor" or "tegen", or with the words "for" or "against", without any addition.

5. If a member made an error while casting his vote, he can correct this mistake before the next member has voted. If he notices his mistake later on, then after the voting has finished, the member may request to have it recorded that he made a mistake. This does not alter the outcome of the vote.
6. Parliament can also decide to have the voting done electronically.

Artikel 57a

In the cases mentioned in article 53, paragraph 1, of the Constitution a member refrains from voting.

Artikel 57b

1. All decisions on matters shall be taken by a majority of votes.
2. If the votes tie then taking of the decision is postponed to a next meeting. If the votes tie again, the proposal shall be deemed as having been rejected.

Chapter 10

The right of amendment

Article 58

1. From the moment Parliament has decided to deliberate in a public meeting on a draft or proposal, each member is free to submit signed proposals for amendments to the President. These proposals are reproduced and disseminated amongst the members with the utmost urgency. The Clerk sees to it that one or more copies are sent to the government, if the proposals concern a draft national ordinance.
2. Proposals of amendment to a draft uniform national ordinance, one or more copies are also sent to the Presidents of the parliaments of the other countries.
3. The first paragraph is not applicable if the public debate regards a draft uniform national ordinance as referred to in article 56, fourth paragraph.

Article 59

1. Each proposal for amendment is explained by the proponent.
2. It cannot be part of the deliberation if it is not supported by at least one other member.
3. The proponent is authorized to make changes to his amendments. These do not need new support, unless the meeting decides otherwise.
4. The first proponent is also authorized to withdraw the amendment, only with the permission of Parliament if the deliberation is closed.

Article 60

1. The handling of proposals for amendment submitted during the deliberation is handled simultaneously with the deliberation on the subject being handled, unless Parliament, pursuant to paragraph two, decides to deal with it at the end of the deliberation.

2. The proposition to postpone the handling of the proposals for amendment may be submitted by the President or by three members. In that case the proposal is also disseminated.
3. The stipulations are also applicable to modifications done by the government in any proposal during the deliberation.

Article 61

1. When no one wishes to propose further amendments in the article being discussed or neither to the motives or to take the floor, the deliberation on that part of the proposition is closed.
2. Thereafter is proceeded with the voting and in such a way that the subordinate changes are raised first, then the amendment itself to which they refer. Subsequently the articles or the motives themselves, whether or not modified, are voted upon. The modification which is farthest reaching has precedence.

Article 62

If a member Parliament has or if members of Parliament have submitted one or more proposals for amendment of a draft uniform national ordinance, a provisional vote is taken pursuant to article 55, second paragraph, on at least the sections or articles of the draft which are affected by the proposals for amendment. Article 55, third paragraph and article 61, second paragraph are applicable.

Article 63

Except for that which is stipulated in article 62, after the deliberation on sections or on articles, the subject or the proposal as a whole is, as stipulated after the deliberation, put to a final vote. Article 57 is applicable in that case.

Article 64

If a draft national ordinance has been modified during the deliberation, Parliament may decide to postpone the final vote on the draft until a next meeting. In the meantime members may propose amendments, provided these are submitted in writing. Unless Parliament decides otherwise, deliberation may be held on these amendments, on modifications proposed by the government and on articles related therewith, before the final vote is held. Only those proposals of amendments which have become necessary due to accepted modifications or through rejection of articles are admissible.

Article 65

The Clerk notifies forthwith the Presidents of the Parliaments of the other countries of the result of the final vote on a draft uniform national ordinance.

Chapter 11

The right of initiative, the right of interpellation and the right to ask questions

Article 66

1. All proposals by the members pursuant to article 85 of the Constitution are signed and submitted in writing to the Clerk.
2. Copies are made of the proposal and sent to the members and the government in any appropriate form.

Article 67

Article 66 is similarly applicable to drafts of uniform national ordinances proposed by members pursuant to article 20 of the Mutual regulation procedural law, with the understanding that they are also sent to the Presidents of the Parliaments of the other countries.

Article 68

1. If a member wishes that Parliament invites one or more ministers to give information as meant in article 63 of the Constitution, he will have to submit a written motivated proposal to that end that will be handled if it is supported by at least one other member.
2. The proposal as accepted by the meeting is sent as soon as possible to the ministers concerned.

Article 69

1. Every member, pursuant the following stipulations, may ask questions to one or more ministers, also without the permission of Parliament.
2. These questions are concisely and clearly formulated and are submitted to the President.
3. The President conveys these to the Minister concerned, unless he has paramount objections against the application of this article due to the form or content of the questions, in which case he notifies the questioner of this without delay. The questions are brought by the President to the attention of the members in the next public meeting.

Article 69a

1. If the Minister submits the answers in writing, there will be no verbal discussion.
2. If the Minister is unable to answer the questions within three weeks he will notify the President stating the underlying reason. While sending the answers to questions that he already has, he can answer the remaining questions in writing within a period of three weeks.
3. The questions which have been answered in writing are printed with the answers at the end of the minutes of the next meeting.

Article 69b

Parliament decides at the beginning of the parliamentary year when the question hour will be held.

Article 69c

1. If the questioner has requested that his questions are answered orally, they are, when the Minister concerned complies with this request, answered orally in the next question hour.
2. The President invites the Minister concerned for the question hour, in which case he mentions the subject of the questions. The President subsequently makes the subject of the questions public.

Article 69d

1. During the question hour the President could decide in consultation with the minister concerned, that questions which have been submitted at such a time that the Minister has not had proper opportunity to prepare his answer will be dealt with in the next question hour.
2. The President determines the order in which the subjects are raised during the question hour.
3. When a subject is raised the member who has raised the subject, the questioner, will first be granted a maximum of two minutes speaking time to question a Minister on this subject and to provide an explanation. The Minister will be granted a maximum of one minute speaking time per question to give answer to the questions.
4. After the answering the questioner gets the floor again for a maximum of two minutes to ask additional questions to the Minister. The Minister will be granted a maximum of one minute per question to answer the questions.
5. Subsequently the Chairman may give the floor to other members, each for a maximum of one minute per question, to ask questions to the Minister on the same subject. The Minister will be granted a maximum of one minute per question to answer the questions.

Article 69e

1. The President shall determine per meeting the time of the end of the question hour. This meeting is public unless a majority of Parliament decides otherwise.
2. Questions which have been submitted in a timely fashion for oral answer which have not been answered are at the discretion of the applicant, either answered the same day in writing unless the Minister is not in the position to do so, in which case the first paragraph of Article 69c is applicable, or added to the questions to be submitted for answering in the next question hour.

Article 69f

During the question hour no permission can be asked to hold an interpellation nor can motions be submitted.

Chapter 12

The making of appointments, nominations or election of persons

Article 70

1. Voting on persons for appointments or nominations mentioned in the Constitution or the Kingdom Charter is done by ballot, which are deposited in a ballot box. For such voting the President appoints two members as tellers. After the first appointed teller has reported the number of ballot found in the ballot box and the President on the number of members in attendance, the first appointed teller announces the result.
2. Additions to ballot papers that do not serve the purpose of the vote are not read.

Article 71

For each separate candidate a ballot is filled out that must contain a clear indication of the person. In case of doubt Parliament decides.

Article 72

Ballots which are not filled out or are not adequately filled out are not counted in the number of votes cast validly for the determination of the majority.

Article 73

A majority of votes obtained is not valid when the number of ballots found in the ballot box is greater than that of the members who have voted and this existing difference could have been of influence.

Article 74

1. If the number of votes validly cast is not greater than half of the number of votes cast, the vote is null and void.
2. The vote is also null and void if the number of votes cast is not equal to the number of members present.

Article 75

If in the first vote no one has obtained the absolute majority of the votes validly cast, a second vote takes place between the two persons who have received the most votes.

Article 76

1. Should an equal number of votes have been cast on two or more persons who qualify for a second vote, then lot will decide which of them will go on to the second vote with the member with the highest number of votes.
2. If more than two persons have received the same number of votes, then a second vote will take place between them. If the outcome of the vote is not conclusive, lot will likewise decide.
3. In order to obtain a decision by lot, the valid ballots which are properly folded are deposited in the ballot box by one of the tellers, after which another teller draws one. The person mentioned on the ballot drawn, is the one elected.

Chapter 13

Meetings behind closed doors

Article 77

1. The doors are closed when at least four members request such or if the President deems it necessary. The meeting subsequently cannot decide that will be deliberated and decided behind closed doors other than with a majority two-thirds of the votes cast.
2. The request to hold a meeting behind closed doors can likewise be done by a minister. This is done at the start of the meeting. The voting on this request takes place in the same manner as prescribed in the first paragraph.

Article 78

Parliament, meeting behind closed doors, may impose confidentiality on that which has been stipulated.

Article 79

The confidentiality is held by all members, including those who at a later time learn about that which has transpired. It can be revoked by Parliament in a meeting behind closed doors.

Article 80

1. The Clerk makes minutes of the meetings held behind closed doors. They are handled immediately or approved in a next meeting behind closed doors.
2. With respect to the minutes they are dealt with similarly as in article 38, first paragraph.

Chapter 14

Exercise of the right of investigation (inquiry)

Article 81

A proposal to initiate an investigation (inquiry) pursuant to article 64 of the Constitution must be submitted in writing, either by a committee of Parliament as a result of a subject that it is being considered, or by one or more members.

Article 82

The proposal contains a description of the subject of the investigation, and if possible, the names of witnesses and experts. Unless the proposal originates from a committee which already has explained it in its report concerning the subject that is being considered, it is accompanied by a memorandum of explanation. The proposal and memorandum of explanation are multiplied and sent to the members and government.

Article 83

When Parliament, after having studied the proposal in a meeting of the central committee, decides to initiate an investigation, it stipulates the number of members of which the committee for inquiry will consist of and the minimum number of members required to conduct the hearings. The members of the committee are appointed by the President on the recommendation of the faction, unless Parliament decides otherwise. The President sees that the decision of Parliament is placed in the gazette in which official notices by government are published.

Article 84

With each decision to initiate an inquiry, Parliament stipulates the period of time within which the investigation must be finished. That period can be prolonged by Parliament on the proposal of the committee.

Article 85

1. The witnesses and experts are questioned by the President of the committee. Also the members of the committee can pose questions after having received the floor from the President.
2. The written notes of the statements made and notifications given are provided through care of the Clerk.

Article 86

1. When the committee suspects a witness of deliberately having given a false statement under oath or promise, a separate report is made thereof containing the statement of the witness and the indication of the grounds on which the suspicion of falsehood is based.
2. The committee hands a copy of the report signed by the Clerk to the public prosecutor at the Court of First Instance.

Article 87

All documents made by the committee are signed by the President and the Clerk, unless the National ordinance parliamentary inquiry or some other legal stipulation requires more or different signatures.

Article 88

1. Upon completion of the investigation, or as often as the committee deems it necessary during the investigation or if Parliament decides thereto, the committee reports on its operations to Parliament.
2. The reports of the hearings held and other documents of the investigation are kept at the secretariat of Parliament.
3. The records of the hearings are made public, unless Parliament decides otherwise. Parliament can also order disclosure of other documents of the investigation.
4. Parliament decides for each case on the method of disclosure.

Article 89

1. The dissolution of the committee is published in the gazette in which official notices of the government are published.
2. In that case, also in the event that the authority of the committee terminates because of the dissolution of Parliament, the documents on the investigation are transferred to the secretariat of Parliament.

Chapter 15

The resignation of the members and the consequences of the closing of a legislative term

Article 90

A member who resigns in compliance with article 49, second and third paragraph of the Constitution, notifies the President of Parliament forthwith in writing.

Article 91

All activities of Parliament or committees formed or appointed pursuant these Rules of Order, - including the handling of proposals made by the government - , which remained unfinished at the closing of the legislative term, are resumed in the next parliamentary year, unless Parliament decides otherwise.

Chapter 16

Members, visitors and the public

Article 92

1. The public is prohibited from giving any sign of approval or disapproval. The President ensures that this prohibition is enforced and for maintaining adequate silence.
2. In case of violation he may order the public or he who disrupts or has disrupted the order to leave the meeting hall.
3. The President sees that the person who disturbs or has disturbed the order is forced to leave the building if necessary and that he, if he enters the building again, is removed from it.
4. If necessary, what is regulated in the third paragraph takes place with the assistance of the police.

Article 93

The President may set rules for the admission of visitors to the building of Parliament and to the tribunals.

Chapter 17

Final provisions

Article 94

1. Each member may propose in writing to revise one or more stipulations of the Rules of Order.
2. A committee may also submit such a proposal provided this represents the sentiments of the majority of the members of which it consists. Such a proposal is signed by the members of the committee who have declared themselves in favor of it.
3. On proposals for revision of these Rules of Order the provisions of Chapter 8 are applicable.

Article 94a

1. In cases where an event occurs which has caused a serious disturbance to public safety and where the life, health and well-being of many, the environment or major material interests are also seriously

threatened or damaged, Parliament may decide to hold virtual meetings.

2. Parliament may also decide to hold virtual meetings in the event of a requested meeting with a third party residing abroad at the request of the Members or the third party.
3. When Parliament decides to proceed to virtual meetings, article 34 will be inoperative and the presence of a member at virtual meetings will be noted by the clerk as soon as the member logs on to the digital platform. As soon as half plus one of the number of members is present at the virtual meeting, the President opens the meeting.
4. During a virtual meeting, no member shall speak until after requesting and receiving the floor from the President. The President gives the floor in the order in which it is requested. This order will be apparent from the entry on a list, which is with the Clerk for each subject to be discussed. Parliament will determine how registration will take place digitally.
5. The requirement in article 48 that every member speaks standing up from his seat or podium does not apply during a virtual meeting.
6. Parliament may lay down further rules regarding virtual meetings.
7. The application of this article remains in force as long as the event referred to in the first paragraph continues. Parliament may decide to terminate application of this article earlier.

Article 95

Parliament may decide at all times to deviate from these Rules provided that no one of the members is against and provided that the deviation is not in contravention of the Charter, the Constitution or any other legal stipulation.

Article 96

These Rules are referred to as: Rules of Order.

Article 97

1. These Rules enter into force as of June 1, 2014.
2. Effective the same date, the Rules of Order, which entered into force on October 10, 2010 are revoked.

EXPLANATION OF THE RULES OF ORDER OF THE PARLIAMENT SINT MAARTEN

General Part

The representation of the people, the Parliament, functions completely independent from the government and decides by itself, the way it functions while observing that which is stipulated thereto in the Constitution. Parliament to that end stipulates its own Rules of Order pursuant to article 66 of the Constitution (AB 2010, GT no. 1). The Rules of Order organizes and regulates the functioning of the representation of the people and that of its members, the meetings, committees, the presidency, the application and use of the instruments and powers pertaining to it to supervise the government and to fulfill the role of co-legislator adequately. The Rules of Order is published the same way as prescribed for draft national ordinances. The publication of national ordinances is done pursuant to article 3 of the National ordinance publication and entry into force (AB 2010, GT no. 21) by publishing in the National Gazette. This is also applicable to the Rules of Order of Parliament.

The Rules of Order is not a law in the sense of article 81 of the Constitution. It does not contain any general binding rules and is nothing more than an internal regulation without any external legal effect. This entails that none other than Parliament and the members are bound by the stipulations of the Rules of Order. The Rules of Order does not create obligations for others, including Ministers.

In order to ensure that Parliament had Rules of Order when Sint Maarten attained the status as a country, the Island Council of the Island Territory of Sint Maarten on October 8, 2010, approved the Rules of Order for the Parliament of Sint Maarten (AB 2010, no. 63). This Rules of Order came into force on October 10, 2010 is still valid. When drafting these Rules, the Rules of Order of the Parliament of the Netherlands Antilles and the Rules of Order of the Parliament of Aruba were used as examples. Also a number of elements from the Rules of Order of the Second Chamber of the States General were taken into account.

After some inaccuracies and ambiguities were found in the Rules of Order, Parliament in 2010 decided to install an ad hoc committee, the Ad Hoc Committee Revision Rules of Order. This committee had the task to correct these inaccuracies and ambiguities in the Rules of Order. This revised Rules of Order is the result after numerous deliberations of this committee. The present revision is not only technical and editorial in nature, but also includes substantial changes. The most important substantial changes in this revised Rules of Order are:

Article 6 is changed and brought in line with article 57 of the Constitution and the practice that has developed. This article now gives a clear indication of who has to act as temporary President in the cases that no President has been appointed as yet after a periodic resignation or dissolution as well as for the situation that the presidency is temporarily vacant.

A new article 12 has been added concerning the composition of the Assembly of Seniors (Seniorenconvent) is added which was not the case beforehand.

In a new article 14 is stipulated that the Minister of General Affairs, the General Audit Chamber and the person concerned are informed of the appointment, suspension and the discharge of the Clerk of the Parliament and other personnel of the Secretariat. It is a logical consequence of the fact that the Secretariat of Parliament is a completely independent institution with its own rights and obligations.

The articles regarding the substitution of the Clerk are adjusted to prevent that Parliament remains without support and that at all times the Clerk is substituted for by an Acting Clerk or another civil servant of the Secretariat.

Even though it is clear which are the tasks and competencies of the central committee, it is deemed of importance to stipulate this non-exhaustive list in article 22 of this revised Rules of Order. Furthermore the practice that has developed concerning the convening of a meeting of the central committee and the necessary quorum for this committee codified in articles 23 and 24 and is further amplified. For a long time there was an ambiguity regarding the quorum for the central committee. In the absence of a clear set of rules in the Rules of Order a habit was developed which made it possible for meeting to take place despite the fact that there is less than half plus one of the members present, if more than half of the factions are present. Lack of such a rule could lead to unpleasant situations, particularly if guests have been invited for the meeting.

In articles 34 and 36, the phrase “half plus one” is used instead of “eight members.” This formulation was consciously chosen. At the present time Parliament consists of 15 members. Pursuant to article 45 of the Constitution this number can increase if the size of the populations grows. By choosing for this neutral phrase the Rules of Order do not have to be changed if the number of members of Parliament increases.

In articles 33, 39 and 66 the phrase “in any applicable form” is added to emphasize that documents increasingly are made available to the members digitally.

From now on pursuant to article 41 urgent debates can only requested in writing. Furthermore the request must be supported by at least three members.

Pursuant to article 44 a proposal of order can henceforth only be considered if it is supported by at least two other members.

Previously it was the meeting that, on the proposal of the Chairman, could take the floor from a speaker who would not heed the admonition of the President. In the new article 49 that authority belongs solely to the President.

In article 54 the necessary number of members to make a proposal to close the deliberations is increased from two to three.

In article 57 the possibility is created to vote electronically.

In article 74, second paragraph, another ground for nullity is introduced when voting on persons for appointments or nominations mentioned in the Constitution and the Charter.

New is also the possibility that is created in article 77 for a Minister to request for a meeting to be held behind closed doors. Previously this competence belonged solely to the President or at least four members.

The phrasing in article 88 has been brought more in line with article 90 of the Constitution.

Considering the numerous technical, editorial and substantial changes, it was decided to withdraw the present Rules of Order and to replace it with this revised Rules of Order.

ARTICLES

Article 1

This article contains definitions of terms frequently used in this regulation are clarified.

Articles 2 through 5

These articles with regard to the verification of the credentials are worded to fit the stipulations of Chapter 8 of the Electoral law (AB 2010, GT no. 10). Furthermore these articles are a reflection of that which is stipulated in article 54 of the Constitution. In the second paragraph of article 3 a public gathering is mentioned to indicate that the Parliament that has stepped down or has been dissolved cannot hold a meeting as per the Rules of Order.

Article 5a

It is considered necessary to define a code of conduct for the Members of Parliament. The reason is that Parliament as a body must reflect a certain dignity. In addition, the Members should set an example, they are the role models for society. With the establishment of a code of conduct, the rules that apply to the Members are made tangible. It makes it possible for every citizen to measure the behavior of the Members with these rules and address them on their behavior. The compilation of the code of conduct should not create the impression that at present there are no behavioral guidelines for the members. These definitely exist but are part of several national ordinances. This code of conduct would in fact be a catalogue of the already existing legislation. The crux of the code, namely morality and ethics, however, cannot be codified. These two aspects will always be a personal consideration.

Article 6

Parliament in principle has to appoint the President and the Vice Presidents in the first public meeting after a periodic resignation or dissolution. The second and third paragraph of this article offer a solution for the situation that such an appointment has not taken place yet. It may happen that two or more members have been in Parliament for the same period of time (in years, months and days). Then the oldest in age will have to act as President. After all it would not be logical to skip members who have had a seat in Parliament for a longer period of time to have a member who is oldest in years, but who only recently has been elected as member, to act as President. The situation in which the oldest member in year acts as President will rarely occur. This would imply that all members are elected for the very first time. This was e.g. the case on October 10, 2010, when Sint Maarten attained the status of country within the Kingdom.

Parliament has the authority to in the interim relieve a sitting (Vice) President of his duties and appoint another member as (Vice) President. Such a case may present itself if the President pertains to a faction that was part of a coalition and later has stepped down from the government. Also in the case that the President who was members of a faction and subsequently left the faction to form his own faction, it may be desirable to change the President. As long as the temporary vacancy of the presidency has not been filled, a Vice President acts as temporary President; taking the sequence in the Presidium in consideration. In the absence of a Vice President the last ex-President acts as temporary President in which case the ex-President who has stepped down as last has the preference. In the absence of an ex-President the last ex-Vice President acts as temporary President; if there are two or more ex-Presidents, who have stepped down the same time, their ranking in the Presidium in which they both were simultaneously member, is considered. In the absence of a past President, the member who has had the longest membership in Parliament acts as President; in case of the same seniority the oldest member in years has preference. In case of the same seniority the oldest member in years has preference. If there is no such person either, the member who is oldest in years acts as President. With such a procedure it is always clear who has to act as temporary President.

Article 7

Parliament decides on the number of Vice Presidents to be appointed. The order is stipulated by the sequence of the appointments. In practice this is done after the majority in Parliament has spoken.

Article 8

In this article a number of the tasks of the President are mentioned. This list is not exhaustive and is made clearly from the words “consists in any case of”. The article states that the President is authorized to attend any committee meeting without having to be invited to do such.

Article 9

Other than to execute his task as president, the President, just as any other member of Parliament may take the floor on a subject (read: agenda point) that has been raised. In order to do so, his place in the President’s chair is taken by the Vice President. He can only take the President’s chair again after the deliberations on the subject have been closed.

Article 10

If the President is not available, the presidency is substituted by one of the Vice Presidents pursuant the sequence mentioned in article 7. The President can be unavailable because of e.g. illness, official work related travel or otherwise. If neither the President nor one of the Vice Presidents is available, the President is substituted in accordance to the stipulation in article 6, second and third paragraph. Based on the nature of the function being substituted, the Acting President has the same tasks and authorities as the President. The Vice President, who for 30 days or more has substituted the function of President, is entitled to an additional allowance pursuant to article 2, fourth paragraph, of the National ordinance remuneration political officials (AB 2010, GT no. 9).

Article 11

The Presidium functions as committee for agenda points and as domestic committee. In a material sense, the Presidium also acts as employer for the staff of the Secretariat. Pursuant to article 1, second paragraph, of the Regulation legal position of personnel of the Secretariat Parliament (AB 2010, GT no. 14), the Clerk makes the recommendation to appoint personnel to the Presidium. By having it formally done by the Presidium it is prevented that the President advertently or inadvertently plays an overly emphatic and determining role in the functioning of Parliament. The Clerk supports the Presidium.

Article 12

According to the present practice, it frequently happens that gatherings of the faction leaders are held, chaired by the President of Parliament. Such a gathering, also called Assembly of Seniors (Seniorenconvent), is not mentioned in the present Rules of Order. This revised Rules of Order aims to give this gathering an official status. The Assembly of Seniors consists of the President and the faction leaders. The President is also President of this gathering. This article also regulates the substitution of the faction leaders in their absence and unavailability. The faction leaders are free to inform their co-faction members about the meetings and the results thereof, unless it is decided by the Assembly of Seniors itself to keep that which was discussed as confidential.

Article 13

To assure that Parliament at all times has the support of the Clerk, substitution of the Clerk is regulated in this article. The Clerk is substituted when necessary by an Acting Clerk and in case of them being impeded by the civil servant who is the highest in rank and function.

Article 14

From now on Parliament notifies the Minister of General Affairs, the General Audit Chamber and the person concerned regarding the appointment, suspension and discharge of the Clerk of Parliament and of the rest of the remaining staff of the Secretariat.

Article 15

The personnel of the Secretariat falls directly under the Clerk and receives the necessary instructions for their functioning from the Clerk.

Article 16

All incoming documents are multiplied, printed and distributed through the care of the Clerk. These documents may also be sent to the members via internet.

Article 17

The estimate the Presidium makes of the expenditures required for Parliament in the following year, is based as much as possible on the actual figures of the former budgets. When preparing this estimate both the regular expenditures of Parliament and incidental expenditures such as the purchase of equipment for newly admitted members of Parliament and any compensation for non-returning members as a result of new elections should be taken into account. The fact that Parliament has the authority to stipulate its own budget is a logical consequence of its independence.

Article 18

The formal recognition that the members on the same list whom the central electoral bureau has declared as having been elected are considered to form a faction, is important for some of the stipulations in this Rules of Order such as for example, the stipulation that for their functioning the factions are supplied with equipment and personnel. It may happen that a faction consists of only one member based on the results of the elections. Such a faction is also considered as a full-fledged faction for the functioning within Parliament. In the old Rules of Order mention was made of the Main Voting Bureau. This is changed into Central Electoral Bureau to use the same term that is used in the Electoral law (AB 2010, GT no. 10).

Article 19

If because of a split in a faction one or more factions are formed, these factions are also considered as fullfledged factions. They are also entitled to a pro rata amount of the physical and personnel facilities that the other factions have. For the financial compensations of the factions involved the amounts are determined based on the amount found by dividing the compensation that each undivided faction would receive, in proportion to the number of members involved in the split. If a new faction is created through merging, then the compensation cannot be greater than the compensation for a faction of equal size.

It is possible that because of a split an existing faction becomes so small that it no longer has the right to the original number of faction staff assigned to it. In such a case the Presidium based on the third paragraph may deviate and provide a temporary arrangement so that the staff of the original faction do not find themselves in a vacuum.

Article 20

The Governor has to go to the Parliament when accepting his office or for the opening of a new parliamentary year. Upon his arrival he is awaited by a Reception and Departure Committee which usually consists of three members of Parliament. The committee positions itself at the entrance of the building and awaits for the

Governor and his entourage. The committee escorts the Governor to his seat. Before the Governor enters the meeting hall, the other members (read: all present) rise to greet the Governor. The members take their seat only after having received an indication thereto from the President. On the departure of the Governor the members again rise when indicated by the President. The committee escorts the Governor and his entourage. The preceding is likewise applicable to the Acting Governor. In case of the opening of a new parliamentary year the entrance of the Governor is preceded by a military ceremony.

Article 21

In order to facilitate its functioning, Parliament has a number of committees, such as the central committee, a committee for petitions and a number of permanent committees. All members form part of the central committee. The fact that it is specifically referred to a committee for petitions, denotes that it is the consequence of a fundamental right of the citizen as laid down in article 24 of the Constitution, which states that everyone has the right to submit petitions in writing to the competent authority.

The permanent committees usually reflect the established ministries. The members of the permanent committees are appointed by the factions. The permanent committees may differ in number of members. Practice is that the members are divided into committees upon being nominated by their respective factions. This division takes place at the start of a new parliamentary year or in the event of dissolution or periodic resignation of Parliament, in the first public meeting of the new Parliament.

Parliament may also establish ad hoc committees when necessary. Ad hoc committees in general have a special task for which they are instituted. Each committee is assisted by a Clerk. All other members who are not member of a certain committee, have the right to participate in the meetings of that committee. However, only the members of the committee have the right to vote.

Article 22

The central committee must be able to have at its disposal information it considers necessary to perform its task. This article indicates which competencies the central committee possesses in order to obtain the desired information. However, the summary is not exhaustive. There may also be other tasks which are not mentioned which fall within the competences of the central committee.

Article 23

Generally the President of Parliament decides when the central committee meets. Whenever three members request a meeting of the central committee while stating the reasons therefor, the President is required to call the meeting within 14 days. The President has the same obligation when he receives a request for such from the government.

Article 24

In this article the quorum, the number of members that has to be present to officially deliberate and make decisions, is established for the central committee and other committees. For a long time there has been a lack of clarity regarding the quorum for the central committee. In the absence of a clear provision in the Rules of Order a practice was developed where the meeting may take place despite the fact that less than half plus one of the members is present, if more than half of the factions are present. Lack of such a measure can lead to unpleasant situations, particularly if guests have been invited to the meeting.

Because of the fact that the central committee is the most important committee of Parliament, a quorum is established at half plus one. Purposely the phrase half plus one has been chosen. At present Parliament

consists of 15 members. Pursuant to article 45 of the Constitution this number may increase if the population grows. By choosing for this neutral formulation, the Rules of Order does not have to be modified if the number of members of Parliament increases. However, if half plus one of the members is not present, the meeting of the central committee still can take place if at least half plus one of the number of factions is present in the meeting.

Also for the other committees the factions present represent the majority of the members in Parliament. Committees are charged with the preparation of subjects which later are deliberated upon in public meetings. Formal decisions are not taken by the committees.

Articles 25 through 28

These articles regulate the functioning of the committees. The committee for petitions deals with petitions submitted to Parliament and it must answer the petitioner in writing within twelve weeks after receipt of the petition. This article is an implementation of article 24 of the Constitution. Furthermore the point of departure is that in principle the committee meets in public session, unless privacy is required.

Articles 29 through 32

In these articles the arrangement for the preliminary investigation by committees is taken up. The committees make a decision list that is signed by the reporter. A decision list includes a brief description of what took place in a meeting. A decision list includes in any case the names of the members who were present and those who were absent, the name of the Clerk or the civil servant of the Secretariat appointed by him, who assists the committee during the meeting, the time the meeting started, the agenda points, etc. The central committee reports directly to the government on draft national ordinances. The other committees always report to the central committee. The central committee also reports to Parliament on investigations other than draft national ordinances and drafts kingdom law. The central committee reports to the Second Chamber on drafts of kingdom law after the reporter of the committee that is charged with the handling of kingdom laws, has handled the draft kingdom law in his committee.

Article 33

In this article the possibility is taken up to call the members by other means than in writing, e.g. via internet, if a written convocation is not possible. Documents may also be sent digitally to the members. One modality does not exclude the other.

Article 34

This implies that the attendance list at all times must be on desk of the Clerk for to members to sign. The physical presence of the members in the meeting hall without them having signed the attendance list is not enough to form a quorum.

Article 35

If there is no quorum by the prescribed time of the meeting, the President opens the gathering. Based on the second paragraph, he may decide to move the start time to a later time of the same day. This is in contrast to the old rule which stated that the meeting had to be adjourned what implied another day. In his view this should be sensible. He can, after all, on the basis of the notifications of absence received conclude that there will be no quorum on a later time either.

It could also happen that on the new time no quorum is reached either. He then establishes that there is no quorum and he has a report made hereof. He stipulates a new start time for the meeting and this meeting

is called and held within 4x24 hours. With the inclusion of the wording called and held more clarity is given; after all calling a meeting is not the same as holding a meeting.

If in this case no quorum is reached either then the meeting is called and held within 2x24 hours. If again there is no quorum, the President may decide to discharge the agenda points from the agenda and to put these on the agenda of a complete new meeting. In principle, this does not mean that there will be a quorum for the new meeting.

If there is no (political) will to form a quorum, the President as a matter of fact cannot do much. Due to the nature of the set-up of Parliament as representative of the people there no coercive measures available to force the members of Parliament to help form a quorum.

Article 36

When half plus one of the number of the members is not present any more in the meeting, the meeting is adjourned till further notice and reconvened within 4x24 hours according to article 35. The addition that if half an hour after the starting time of an adjourned meeting there is no quorum, emphasizes and follows article 35, first paragraph.

The new second paragraph is an addition to denote that there is a difference between a meeting that has been called and already has started and that after an adjournment has to be adjourned or postponed because of lack of a quorum.

Article 40

This article stipulates that at the start of a meeting the order of business may be regulated.

Article 41

This article gives the possibility to hold urgent debates. It is assumed that occasionally the political wish to hold an urgent debate may occur.

Article 43

The President is authorized to allow interruptions. That the President regulates and interrupts the speakers is common place in the functioning of parliaments.

Article 46

A proposition for suspension of the deliberations in general is done orally, but can also be done in writing. It falls within the scope of article 44. In the case of a motion to adjourn the deliberation it falls under the scope of article 43. The proposal for the suspension of the deliberation has to be supported by at least two members. This means that besides the member who make the proposition another member has to support the proposition.

Article 49 through 50

The articles 49, 50 and 51 regulate warnings and denying of the floor to a member by the President. Contrary to the Rules of Order for the Parliament of Curaçao and the Rules of Order of the Parliament of Aruba, however, it is not possible to have a member removed from the meeting hall or from the building of Parliament.

Article 51

This article regulates the consequences if a member is denied the floor by the President. With this change, the possibility is created to proceed with the removal of a member from the meeting, just as with the Parliament of Aruba and the Parliament of Curaçao. It has become apparent that it is necessary to include this in the Rules of Order in the event that a member is guilty of conduct as referred to in Article 50 and subsequently continues to refuse to carry themselves in a decent manner. It is important to note that this regulation does not go as far as the regulation from the Parliament of Curacao regarding the removal from the building considering that we only have one building.

Article 57

The fourth paragraph of this article is formulated in such a way that in the case of voting by roll call, one can vote in the two official languages, namely in Dutch (voor or tegen) and in English (for or against) without the addition of any words. Further in the sixth paragraph the possibility has been created to vote electronically. This could for example be done by using voting machines.

Article 57a

With this article, the voting procedure is brought in accordance with article 53, paragraph 1, of the Constitution. In that paragraph of the Constitution all cases in which a Member must abstain from voting are summed up. This is the only form of abstention that Parliament knows and is not comparable to article 56 of the Rules of Order.

Article 57b

The Constitution stipulates in article 61, paragraph 2 that all decisions are taken by an absolute majority of the votes cast. If Parliament is complete, thus all 15 members are present and all 15 vote, it can never happen that the votes tie. This can occur if there is an even number of members participating in the voting. The aspect of tied votes has never occurred yet but it is not inconceivable that it will occur. With this article the matter is settled so if it ever occurs Parliament knows which rule is applicable.

Article 58

As soon as Parliament decides that it shall deliberate in a public meeting will deliberated on a subject or a proposition, all members are at the liberty to submit written proposals for amendment to the President. The submitted proposals are multiplied and disseminated amongst the members as soon as possible. The Clerk ensures that one or more copies of the proposal are sent to the government if the proposals concern a draft national ordinance that has been submitted by the government.

If the proposals for amendment concern a uniform draft national ordinance then one or more copies are also sent to the President of the Parliaments of the other countries. If it concerns the public deliberation on a draft uniform national ordinance as referred to in article 56, fourth paragraph, the first paragraph is not applicable.

Article 59

All proposals for amendment which are submitted by a proposer must have an explanatory memorandum provided by the proposer. Such a proposal must be supported by at least one other member otherwise it cannot be part of the deliberation. This stipulation is especially of interest for one man factions. The support given to the proposal of a one man faction to be part of the deliberation does not imply that the other members who support the proposal agree with the content of the proposal. Supporting in this case does not mean that the supporting members when it comes to voting automatically will vote for the proposal.

If the proposer deems it necessary to amend a submitted proposal then the proposer does not need renewed support for the amendments. The meeting however can decide otherwise. The first proposer may reach the conclusion during the deliberation that his amendment is superfluous or has become superfluous. In such a case he is authorized to withdraw his amendment. However, if the deliberations are already closed, he can only withdraw his amendment with the permission of Parliament.

Article 60

All proposals for amendments submitted during the deliberations on the draft will be handled simultaneously with the subject being deliberated. Parliament however may, pursuant to the second paragraph, decide that the deliberation on the proposals for amendment will take place at the end. In such a case the proposal to postpone the handling of the proposals for amendment is submitted by the President or by three members. The proposal of the three members is disseminated. This implies that it cannot be an oral proposal but a proposal in writing. These stipulations are likewise applicable to amendments which the government has made during the deliberation on any proposal.

Article 61

The deliberations on that part of the proposal which is being deliberated is closed when no one else wishes to propose any more amendments on the article or the motivations or do not wish to speak about it either. After closing the deliberations voting is done. During the voting the subordinate changes are raised, then the changes themselves to which these minor changes refer. Subsequently the articles or the motivations, whether or not modified are raised. The amendment that is most far-reaching has priority.

Article 62

A member or members of Parliament can table one or more proposals to amend a uniform draft national ordinance that is being handled. If so, in any case a provisional vote is taken pursuant to article 55, third paragraph, on the sections or articles which are modified based on the proposed amendments. Furthermore articles 55, third paragraph and article 61, second paragraph are applicable.

Article 63

As a rule after the deliberations are closed Parliament takes a final vote on sections or articles of the subject or on the proposal in its entirety. An exception on this is what is stated in article 62. If article 62 is not applicable then the procedure in accordance with article 57 is followed.

Article 64

During the deliberations the draft being discussed may be modified. In such a case Parliament may decide to postpone the final vote on the draft until a next meeting. While waiting for the final vote the members could propose written amendments on the draft. Both on the amendments proposed by the members as on the amendments which in the meantime are proposed by the government, and on articles that relate to them, can be deliberated before the final vote is held. Parliament may decide otherwise and there is no deliberation. If the members decide to propose amendments at this time, then only those proposals for new amendments are allowed because they have become necessary as a consequence of the amendments already accepted or rejected articles.

Article 65

After Parliament has taken the final vote on a draft uniform national ordinance, it is the task of the Clerk to notify forthwith the Presidents of the Parliaments of the other countries of the result of the final vote on the draft.

Article 66

The initiative drafts national ordinances are submitted in writing to the Clerk by the proposers or initiative takers pursuant to article 85 of the Constitution. The proposal has to be signed by all initiative takers. The initiative draft is multiplied and sent to both the members as well as the government. This may be done in writing as well as digitally. Parliament presents the initiative draft to the Council of Advice pursuant to article 85, third paragraph, so the Advisory Council can give its advice on the contents thereof. Only after receiving of this advice, the actual handling can take place.

Article 67

Article 64 is likewise applicable for drafts of uniform national ordinance which are prepared by the initiative of one or more members as prescribed by article 20 of the Mutual regulation procedural law. An important detail is that because it is a uniform national ordinance, it has also to be sent to the President of the Parliament of the other countries.

Article 68

Pursuant to article 63, second paragraph, of the Constitution, a member may consider it necessary for Parliament to invite one or more Ministers to give information. He makes a motivated written proposal why he so wishes. This proposal will be handled by Parliament after it has become evident that it is supported by at least one other member. If Parliament accepts the proposal in their meeting, it is sent with the necessary urgency to the Ministers concerned.

Article 69 and 69a

To exercise his supervisory activities each member may pose questions to one or more Ministers without permission of Parliament being required to do such. This individual right to pose questions guarantees that a member can exercise his supervisory activities unrestricted. The written questions of the member are presented to the President. The questions should be formulated briefly and concisely. The President forwards the questions as presented by the member to the Minister concerned.

If the President comes to the conclusion that because of the manner and contents of the questions there is reason not to forward these questions to the Minister concerned as stipulated in this article, the President immediately notifies the poser of the questions thereof. The President brings the questions to the attention of the members in the next public meeting.

The original article 69 is split into a number of articles of which the old paragraphs were supplemented when necessary. With such a split and supplementation more justice is done to the individual right to pose question as laid down in the Constitution. In the proposal a difference is made between the answering of written questions and oral questions.

In article 69a a period of time is specified within which the answering of the questions by the Minister must take place. The reason is that the members can ask questions on current affairs which should be answered with due diligence because of the supervisory role of Parliament as an institution and of the individual members. The Constitution stipulates indeed that the ministers answer questions from members within a reasonable period of time but a reasonable period of time is an elastic concept. With this provision, the time limit set out. Despite posing a term it is the necessary to exercise the necessary flexibility. The Minister is given should it be necessary an additional three weeks to answer the unanswered questions. The questions of the member which have been answered in writing will be attached at the end of the minutes of the next meeting.

Article 69b through 69f

The question hour, as introduced in article 69b and further elaborated in articles 69c to 69f, was not regulated previously. The question hour is another way to exchange views with a Minister. The question hour must, however, be put in a particular form so that both the members and the ministers know to what they have to maintain themselves during the question hour. The strict control of the question hour further provides that both members and the ministers in principle express themselves with the necessary verbal efficiency. It is not intended that the Member uses this opportunity to pose entirely new questions of which the Minister was not aware of in advance. However, it is not inconceivable that based on the answers given by the Minister that the questioner may have additional questions which could be accommodated under the heading points of clarification. During the question hour it is purely "question and answer"; interruptions and submitting of motions and interpellations are not allowed. It is not a debate.

Article 70

Pursuant to the Constitution and the Charter persons may be appointed or nominated to occupy certain positions and to that end must be voted on. These votes concerning persons are done in writing on a ballot designated thereto which is put in a ballot box. The President appoints for such voting two persons as tellers. The first appointed is the President of the voting committee. The ballots found in the ballot box are counted and the number is announced. The President of Parliament announces how many members have signed the attendance list. The President of the voting committee subsequently announces the result of the voting. All additions written on the ballot which are of no relevance for the voting are not read.

Article 71

If during the voting there are several candidates to vote on, care is that there are as many ballots as there are candidates. For each individual candidate a ballot is filled out with a clear indication of the person for who is being voted. If doubts arise concerning a filled out ballot, then Parliament decides on that.

Article 72

A ballot that is not filled out or not filled out properly is not counted. It is left out when determining the majority and is not counted in the number of validly cast votes.

Article 73

If from the result of the voting it appears that the number of ballots found in the ballot box is greater than the number of members who participated in the voting and the difference is such that it influences the outcome of the voting, then the majority acquired is not valid.

Article 74

The voting can be null and void in the following two cases. The number of validly cast votes is not greater than half of the number of votes cast. With a number that is smaller than half of the votes cast no majority of the votes cast is reached. The other case is when the number of votes cast does not match the number of members present. To determine the number of members present the attendance list is the deciding factor since based on this it is also determined if a quorum for the meeting is present.

Article 75

It may occur that none of the candidates voted on attained the absolute majority of the validly cast votes. In such cases a second ballot is held amongst the candidate who in the first ballot received the most votes.

Article 76

If two or more persons who qualified for a second ballot received the same number of votes on their names, then lot decides which of them will take on the candidate who received the most votes. If more than two persons have received an equal number of votes, then a second ballot will take place between them. Also in this case lot decides if voting does not give a decision.

If lot must be drawn between the candidates, then the valid ballots, after being folded in such a way to prevent that what is written on them can be read, they are put in the ballot box by one of the two tellers. One of the other tellers takes one of the ballots from the ballot box. The candidate whose name is written on the ballot that the teller has drawn, is the one elected.

Article 77

Parliament meets in public and the meetings are open to the public. This is not taken lightly. However, there may be circumstances which demand that the doors are closed. A proposal to that end may be done by at least four members or the President may deem it necessary. The decision to hold the meeting behind closed doors is made by a majority of two-thirds of the votes cast. Deliberation and decision can only be taken behind closed doors if such majority is present. Also a Minister who is present in the meeting may make such a request. The Minister does this at the start of the meeting. The decision thereto is taken as prescribed in the first paragraph of this article.

Article 78

If Parliament decides to meet behind closed doors, Parliament may also decide that confidentiality is imposed on all that was discussed and decided upon during the meeting.

Article 79

All members of Parliament and other members who later acquire knowledge of the contents of the closed-door meeting are obliged to maintain the confidentiality thereof. This confidentiality may be lifted if the Parliament which decided to meet behind closed doors, decides thereto. This implies that of that which has occurred in that meeting may be spoken of without any restriction.

Article 80

If it is decided to meet behind closed doors, the minutes of this meeting are made by the Clerk. Because of the special character of a meeting behind closed doors, the minutes are handled and approved immediately or in a next meeting behind closed doors. Article 36, first paragraph, with regards to minutes is likewise applicable.

Article 81

In article 64 of the Constitution the right of investigation is laid down. The right of investigation is also called the right of inquiry. This right is further expounded in the National ordinance parliamentary inquiry (AB 2010 GT no. 16). It is a very far-reaching right which a committee of Parliament or one or more members may use. It is a right which incidentally is used very sparingly.

Article 82

The subject of the inquiry is taken up in a proposal. If the names of the experts to be heard are already known at that point in time, they are included in the proposal. If the proposal originates from a committee, the subject will be taken up in the report of the committee. The proposal of a committee will be further elaborated in an explanatory memorandum. The proposal and the explanatory memorandum are multiplied and sent to the members of Parliament and the government.

Article 83

The proposal must be handled in a meeting of the central committee. After it is decided that the inquiry will be held, Parliament decides on the number of members the inquiry committee will consist of. Furthermore Parliament decides on the minimum number of members required to deal with the hearings in an efficient and expeditious manner. The President appoints the members of the committee after the factions have chosen from their midst the members who for those factions will be part of the inquiry committee and have done the necessary nomination thereto. The fact that the members of the committee are appointed on recommendation of the factions implies that in any event each faction will have at least one member in the committee. Parliament may decide otherwise with regards to the appointment of the members. The President will have the decision to install an inquiry committee published in the Official Gazette.

Article 84

To prevent that the investigation takes too much time, Parliament stipulates for each inquiry that has to be done a period in which the investigation has to be completed. The inquiry committee makes a proposal to Parliament to extend the period and Parliament decides whether the period will be extended or not.

Article 85

The President of the Committee of Inquiry interrogates the witnesses and experts. The members may also interrogate the witnesses and experts, after they received the floor from the President to that end. The committee is assisted by the Clerk who records in writing the statements made and the notifications given.

Article 86

The witnesses who are summoned to give a statement in front of the committee must make an oath or make a promise. If the committee suspects that a witness deliberately has giving a false statement, a separate report is made thereof. Such a report reflects the statement of the witness and also an indication of the grounds on which the suspicion of falsehood is based.

Article 87

The committee by the nature of its activities will have to send out the necessary documents. To emphasize the importance of the work of the committee, all documents drafted must be signed by both the President and the Clerk of the committee. If the National ordinance parliamentary inquiry or any other legal stipulation requires more or other signatures, then this requirement must be complied with, otherwise the signature of the President and Clerk are sufficient.

Article 88

Parliament as a body is informed through reports of the activities as they are executed by the committee. This may happen either on its own initiative or at the explicit request of Parliament. During the investigation documents and correspondence will be released. Also reports will be made of the hearings held. All these files are housed in the archives of the Secretariat of Parliament. The reports which are made of the hearings are made public for the sake of transparency. However, Parliament may decide otherwise. Furthermore Parliament may order other documents received during the investigation are made public. The way and format in which a document is disclosed is determined separately by Parliament.

Article 89

When the committee has completed its work, the committee will be dissolved. In this case the dissolution is published in the National Gazette because the National Gazette is the paper in which the government publishes official notices. The documents which have been accumulated by the committee during its activity are brought to the Secretariat to be archived, in the case of the dissolution of the committee as well as in case that authority of the committee ends because Parliament is dissolved.

Article 90

In the Constitution in article 49, second and third paragraph, is stated that a member of Parliament may at all times tender his resignation by means of a written notice to the President of Parliament and that membership terminates after an uninterrupted stay abroad of longer than 8 months. This is also indicated in article 120 of the Electoral law. With such written notice the process starts for filling the vacancy created. To this end it is necessary that the President notifies both the government and the President of the central electoral bureau of the written resignation.

Article 91

To guarantee the continuity of Parliament all activities which Parliament and the committees of Parliament started, as well as the handling of proposals of the government, which at the end of the parliamentary year are pending, are resumed and continued in the next parliamentary year. However, Parliament can decide otherwise.

Article 92

The audience that is in the building, or more specifically in the meeting hall of Parliament, must refrain from giving any signs of approval or disapproval. If the President, who is in charge of maintaining order, is of the opinion that a member of the audience is disrupting the order, he may order that member of the audience to leave the meeting hall.

Should it happen that a member of the audience who has been ordered to leave the meeting hall gives no hearing to this and does not follow the instructions of the staff of Parliament either, then, where appropriate, a request can be done on the police to remove the member of the audience in question. Should he return then he will be removed again.

Article 93

To maintain order in the building of Parliament and in the public tribune rules may be set for the admission of visitors. These rules refer to both the behavior of the visitors as to the way in which the visitors are dressed. If these rules are not complied with, access to the building is denied or the visitor is asked to leave if he is already in the building.

Article 94

The fact that every member or a committee may submit written proposals to revise one or more stipulations of the Rules of Order, shows that it is a dynamic instrument that in due time may develop further to serve the functioning of Parliament better. The stipulations of chapter 8 are likewise applicable to these proposals for revision.

Article 94a

In March 2020, the Parliament of Sint Maarten switched to virtual meetings using the digital platform Zoom because of the COVID-19 pandemic, which forced the members of the Parliament to work from home and

therefore also attend meetings from home. With the use of article 95 of the Rules of Order, several articles in the rules were deviated from.

It is important to note that the move to virtual meetings is only possible if an event occurs that has seriously disrupted public safety and also affects the life, health and well-being of the public, the environment whether major material interests are seriously threatened or harmed. In the first instance, there must therefore be a disaster according to the National Ordinance on Disaster Management. This could include the COVID-19 pandemic, but also a hurricane such as Luis in 1995 or Irma in 2017, which brought everything to a standstill. In addition, there is an exception to the first paragraph, namely that in cases where there is a requested meeting with a third party residing abroad, it can be decided to arrange a virtual meeting for this purpose.

In the event of a virtual meeting, article 34 is inoperative and the presence of a member is noted by the clerk, which must take place as soon as the member logs in to the platform. Article 48 is also inoperative with virtual meetings.

As long as the event that led to the decision to proceed to virtual meetings continues, this article will continue to apply. However, Parliament may decide to terminate the application of this article earlier and therefore return to physical meetings.

Article 95

With this stipulation the possibility is created to deviate from the other stipulations as set out in this Rules of Order if none of the members are opposed to it. Further restriction for the use of this stipulation is that the deviation should not be in contravention of the Charter, the Constitution and any other legal stipulation. This stipulation further substantiates the principle that Parliament determines its own functioning and is not dependent for this on other administrative bodies or officials.

Article 96

For the sake of convenience, the Rules of Order of Parliament of Sint Maarten are referred to as the Rules of Order, since within this context it is clear to what it refers.

Article 97

With the entry into force of the revised Rules of order, the Rules of Order which entered into force on October 10, 2010 is automatically revoked.

