

**STANDING ORDERS  
OF THE SENATE**

**January 2007**

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# ***STANDING ORDERS OF THE SENATE***

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## **CHAPTER I - BUREAU OF THE PROVISIONAL PRESIDENT – DEFINITIVE BUREAU**

### *Article 1*

1. – At the opening of the first sitting after each partial renewal of the Senate, the Chair shall be taken by the oldest member present, until the President is proclaimed.
2. – The six youngest Senators present shall carry out the duties of Secretary until the election of the Definitive Bureau.
3. – No debate may take place if the provisional President is in the Chair.

### *Article 2*

1. – The installation of the provisional President shall be immediately followed in a public sitting by the election of the President.
2. – The remaining members of the Definitive Bureau shall be appointed at the next sitting.
3. – The Definitive Bureau shall be fully empowered to preside over the Senate's deliberations, and to organise and manage all services under the conditions determined by these Standing Orders.

### *Article 3*

1. – The Senate's Definitive Bureau is made up of:
  - a President,
  - six Deputy Chairmen,
  - three *Questeurs*,all elected for three years,
  - twelve Secretaries,

appointed for three years.

2. – The Deputy Chairmen shall stand in for, and represent the President in his/her absence.

3. – When the President of the Senate is called upon to perform the duties of the President of the Republic, the Bureau shall appoint one of the Deputy Chairmen to replace him/her temporarily under Article 7 of the Constitution.

4. – The election of the President shall take place at the rostrum<sup>1</sup>.

5. – Tellers elected by the drawing of lots shall count the votes, and the result of the ballot shall be announced by the provisional President.

6. – If an absolute majority of the votes cast is not achieved on the first or second ballots, a relative majority on the third ballot shall suffice; in the event of a tied ballot, the older candidate shall be declared to have won.

7. – The Deputy Chairmen and *Questeurs* shall be elected by secret ballot, in separate votes and using plurinominal voting slips.

8. – If there is not an absolute majority of votes cast in the first and second ballots, a relative majority on the third ballot shall suffice; in the event of a tied vote, the President shall declare that the oldest member or members is/are elected.

9. – After the Deputy Chairmen and *Questeurs* have been elected, the Chairmen of the political Groups shall meet to draw up a list of candidates for the post of Secretary: this list shall reflect the proportional representation of Groups, and take account of the representation of Groups in other posts in the Bureau. This list shall be forwarded to the President, who shall publish it.

10. – The list may be challenged within one hour on the grounds that the rule on proportional representation has not been applied. To be admissible, the challenge must be set out in writing, signed by at least thirty Senators or by the Chairman of a political Group, and shall be forwarded to the President.

11. – When the deadline for challenging the list has passed, and if no challenge has been formulated, the list of candidates shall be ratified by the Senate, and the President shall announce those who have been appointed Secretaries.

12. – If, on the contrary, the President is presented with a challenge, he/she shall report it to the Senate, which will in turn rule on whether to consider it, following a debate in which only one speaker ‘for’ and one speaker ‘against’, may be heard neither of whom may speak for more than a quarter of an hour.

13. – Rejection of the proposal to consider the matter shall be tantamount to ratification of the list that has been presented, and the candidates whose names

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<sup>1</sup> See article XV of the General Instruction of the Bureau of the Senate (GIB).

appear on it shall be immediately proclaimed Secretaries by the President. Consideration of the matter shall result in the list of disputes being declared null. In these circumstances, the Chairmen of political Groups shall meet immediately to draw up a fresh list following the same rules as for the first list.

#### *Article 4*

After the Definitive Bureau has been elected, the President of the Senate shall inform the President of the Republic and the National Assembly that the Senate has been constituted.

## **CHAPTER II - GROUPS**

#### *Article 5*

1. – Senators may organise themselves into Groups reflecting political affinities. No Senator may be a member of more than one Group, nor be compelled to join a Group.
2. – A Group shall be constituted by the presentation to the President's Office of a list of Senators who have stated they wish to belong to it. As soon as Groups are formed, and also after each renewal of the Senate, they shall publish a political statement setting out the objectives of, and resources for, the policy that they advocate. The list of members of Groups shall be published in the *Journal officiel* as soon as the Groups are established and after each renewal of the Senate.
3. – Groups shall establish their *Bureaux* without hindrance.
4. – Each Group shall have at least fifteen members, and may provide an internal service through an Administrative Secretariat, which shall manage its own rules, recruitment and method of payment.
5. – The conditions governing the physical establishment of Group Secretariats and the right of staff to access and to move freely around the *Palais du Luxembourg* shall be laid down by the Bureau of the Senate on the proposal of the *Questeurs*.
6. – The establishment in the Senate of groups defending private, local or professional interests is forbidden.

#### *Article 6*

1. – Political Groupings with staff of fewer than fifteen may ally themselves to, or attach themselves for administrative purposes to a Group of their choosing with the agreement of that Group's Bureau.

2. – The same facility shall be available under the same conditions to individual Senators whose names do not appear on the lists of any Group or Grouping.

3. – A statement of Groupings and of Senators who, under the terms of this Article, have announced that they will ally themselves with, or administratively attach themselves to, a Group shall be set out after the list of the members of the Groups in question.

4. – Senators who are neither formal members of a Group, nor allied nor attached to one shall meet to elect a delegate from among themselves to represent their interests. The delegate shall have the same rights as a Group Chairman with regard to appointments to Committees and as Secretaries of the Senate.

5. – When appointments provided for under paragraph 9 of Article 3 and all of Articles 8 and 105 are being made, and in accordance with regulations governing the proportional representation of Groups, the total membership of the Groups must include, in addition to full members, those of allied and attached Groupings and of individually allied and attached Senators.

## **CHAPTER III - APPOINTMENTS TO COMMITTEES - THE WORK OF THE COMMITTEES**

### **I. – APPOINTMENTS TO COMMITTEES**

#### *a) Standing committees*

#### *Article 7*

*Article 7.* - 1. – After each partial renewal, the Senate shall appoint the following six Standing Committees in a public sitting:

- 1° the Cultural Affairs Committee consisting of 57 members;
- 2° the Economic Affairs and Planning Committee consisting of 78 members;
- 3° the Foreign Affairs, Defence and Armed Forces Committee consisting of 57 members ;
- 4° the Social Affairs Committee consisting of 57 members;
- 5° the Finance, Budgetary Control and National Economic Accounts Committee consisting of 48 members;
- 6° the Committee for Constitutional Acts Laws, Legislation, Universal Suffrage, Standing Orders and General Administration consisting of 48 members.

2. – To take account of the increase in the number of Senators at the partial renewals of 2004 and 2007, the composition of Standing Committees shall be temporarily as follows:

1. the Social Affairs Committee shall have 54 members from October 2004, and 56 members as from October 2007;
2. the Foreign Affairs, Defence and Armed Forces Committee shall have 54 members from October 2004, and 56 members as from October 2007;
3. the Social Affairs Committee shall have 54 members from October 2004, and 56 members as from October 2007;
4. the Finance, Budgetary Control and National Economic Accounts Committee shall have 45 members from October 2004, and 47 members as from October 2007;
5. the Committee for Constitutional Acts Laws, Legislation, Universal Suffrage, Standing Orders and General Administration shall have 45 members from October 2004, and 47 members as from October 2007.

#### *Article 8*

1. – After the President has been elected, the Senate shall fix the date for the sitting during which the Standing Committees shall be appointed.
2. – Before this sitting takes place, Group *Bureaux* and the delegate for non-aligned Senators will first meet, and then send the President the list of candidates that they have drawn up in accordance with the rule on proportionality.
3. – This list shall be posted as soon as possible. During the sitting, the President shall make it known that this has happened.
4. – Any objection to the list of candidates may be tabled in the hour following the announcement.
5. – If this objection is based on failure to comply with the rules governing proportional representation, it must be made in writing and signed by a Chairman of a Group or by at least thirty Senators.
6. – If the Senate considers the objection valid, there shall be provision for drawing up a fresh list of candidates, as set out in paragraph 2 of this Article.
7. – If the opposition is not based on failure to comply with the rules governing proportional representation, it must be made in writing and signed by three Group Chairmen or by 60 Senators.
8. – In these circumstances, if the objection is considered by the Senate, the Senate shall conduct one or more plurinomial votes in a plenary sitting.
9. – If there is no challenge by the time the deadline identified in paragraph 4 above passes, the list of candidates shall be ratified by the Senate.

10. – In the event of a vacancy on a Standing Committee, and subject to the provisions of paragraph 3 of Article 15, the Group concerned or, as appropriate, the delegate of Senators whose names do not appear on the list of any Group, shall forward to the President the name of the Senator called to occupy the vacant seat. The Senator shall be appointed under the conditions set out above.

11. – The list of Committee members shall be published in the *Journal officiel*.

12. – A Senator may only belong to one Standing Committee. The President of the Senate may not serve on any Standing Committee.

#### *Article 9*

1. – Where the rules of an extra-parliamentary body provide that members of one or more Standing Committees have seats on it, the Committees concerned shall appoint these members, and inform the Minister concerned through the intermediary of the President of the Senate.

2. – When the Government asks the Senate to appoint one or more members to sit on an extra-parliamentary body, the President of the Senate shall invite the Standing Committee(s) for the area that the body concerns itself with to put forward the name(s) of the candidate(s). If there is any doubt as to which Committee has competence, the Senate shall give a ruling by ordinary public ballot.

3. – Each Committee may choose its own candidate(s), either from its own members or from among other members of the Senate. The President of the Committee shall send the names of the candidates to the President of the Senate.

4. – The President shall give instructions for the candidates' names to be made public. He shall give notification that this has been done at the sitting on whose agenda the designation appears.

5. – After a delay of one hour, and unless there is a challenge, the appointment of the candidate(s) shall be ratified.

6. – A challenge to the Committee's proposals may be mounted within an hour of President's announcement: any such challenge must be in writing and signed by at least thirty Senators or the Chairman of a Group.

7. – If an objection is formulated, the President shall ask the Senate whether it is to be considered. The Senate shall then give a ruling following a debate in which only one of the signatories to the objection and one speaker of a contrary opinion may be heard.

8. – If the Senate chooses not to consider the objection, the list of candidates shall be ratified.

9. – If the Senate does choose to consider the objection, the candidates are then appointed by a plurinomial vote in a plenary sitting. The candidacies must then be the subject of a declaration to the President’s Office at least one hour before the ballot takes place.

10. – The procedure set out above does not apply when the rules of the extra-parliamentary body provide for a particular appointments procedure.

#### *b) Special Committees*

##### *Article 10*

1. – For the appointment of members to Special Committees established under conditions in Article 16 below, a list of candidates shall be drawn up, in accordance with the rules on proportionality and following prior consultation with the Chairmen of Standing Committees, the Chairmen of Groups, and the Delegate representing non-aligned Senators.

2. – The appointment shall then proceed in accordance with regulations set out in paragraphs 3-11 of Article 8.

3. – A Special Committee shall be made up of 37 members.

#### *c) Committees of Inquiry*

##### *Article 11*

1. – A Committee of Inquiry shall be set up following a vote on a draft resolution that has been tabled, sent to the competent Standing Committee, examined and discussed under the conditions established by these Standing Orders. This proposal must accurately determine either the facts that have given rise to the inquiry or the public services or national enterprises whose management the Committee of Inquiry shall examine. If a proposal relating to the setting up of a Committee of Inquiry is not referred to the Committee for Constitutional Acts Laws, Legislation, Universal Suffrage, Standing Orders and General Administration, the latter Committee shall be invited to publish an opinion stating whether the proposal complies with the provisions in Article 6 of Amended Ordinance n° 58-1100 of 17 November 1958 relating to the functioning of parliamentary assemblies. The draft resolution shall set out the number of members of the Committee of Inquiry: this may not exceed 21.

2. - For the appointment of members to Committee of Inquiry whose establishment is decided by the Senate, a list of candidates shall be drawn up in accordance with the rules on proportionality by the Chairmen of political Groups and the delegate representing non-aligned Senators. The appointment shall then proceed in accordance with the rules set out in paragraphs 3-11 of Article 8.

3 and 4. *Repealed by the resolution of 18 December 1991.*

#### *d) Joint Committees*

##### *Article 12*

1. – By an agreement between the Senate and the National Assembly, the number of representatives of each assembly on Joint Committees provided for in paragraph 2 of Article 45 of the Constitution shall be fixed at 7.
2. – Senate representatives on these Committees shall be appointed under conditions set out below.
3. – A list of candidates shall be drawn up by the competent Committee, and the Chairman of the Committee shall then pass the list to the President of the Senate, who shall give instruction for the list to be posted up and inform the Senate thereof in the course of a public sitting.
4. – The appointment shall then proceed in accordance with the rules set out in paragraphs 5-9 of Article 9.
5. – Substitutes shall be appointed in the same way. They are only required to vote insofar as it is necessary to maintain parity between the two assemblies. Substitutes shall be called to serve in the order they are elected.

## **II. – WORK OF THE COMMITTEES**

##### *Article 13*

1. – As soon as the Committees convened by the President of the Senate have been appointed after each three-yearly renewal, they shall appoint their *Bureaux*: all Political Groups must be represented in each of them.
2. – Standing Committees shall elect, in addition to a Chairman and six Deputy Chairmen, one Secretary for every ten members.
  - 2a. – The Deputy Chairmen may substitute for, and represent the Chairman of the Standing Committee.
  - 2b. – The election of the Chairman shall take place by secret ballot under the chairmanship of the oldest member of the committee, who shall announce the outcome. The votes shall be counted by the two youngest Committee members present. The provisions of paragraph 6 of Article 3 shall apply.
  - 2c. – The election of the Deputy Chairmen shall take place under the chairmanship of the Chairman under the same conditions of a secret vote using plurinominal ballot papers.

3. – This shall be followed, as a matter of priority, by the appointment of Secretaries belonging to political Groups that are not represented in other functions in the Bureau.

4. – The number of Deputy Chairmen and Secretaries may be increased in order to meet the requirement of representing all the Political Groups set out in paragraph 1.

5. – Each Special Committee shall determine the composition of its own Bureau.

6. – Only the Finance, Budgetary Control and National Economic Accounts Committee shall appoint a General *Rapporteur*, who shall thus be a member '*ex officio*' of the Committee's Bureau.

#### *Article 14*

The Senate normally devotes Wednesday morning to the work of the Committees.

#### *Article 15*

1. – Attendance at the meetings of Committees shall be mandatory.

2. – A Committee member who finds himself/herself in one of the situations listed in Article 1 of the Ordinance of 7 November 1958 on the Organic Law exceptionally giving Parliamentarians the right to vote by proxy, may delegate his/her right to vote to another Committee member. The Committee Chairman shall be notified of this delegation. A Committee member may only exercise one proxy vote at a time.

2a – Senators belonging to international assemblies and those who are members of Special Committees may, at their own request and for the duration of the work of these assemblies, their Committees or the Special Committee, be excused attendance at the meetings of the Standing Committee that they belong to. In these cases, they may be substituted by another member of the Committee<sup>2</sup>.

3. – If a Committee member on a Standing Committee is absent without justification on three consecutive occasions, the Committee's Bureau shall inform the President of the Senate, who shall in turn record that the Committee member has been banned. The Committee member may not be replaced during the parliamentary session, and his/her allowance shall be reduced by half until the beginning of the next ordinary session.

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<sup>2</sup> *In its Decision of 18 May 2004, the Constitutional Council considered that: "if it is open to the Senate, in compliance with Article 43 of the Constitution, to alter the way in which Committee meetings function, it shall be on condition that no challenge shall be made to the principle set out in article 27 of the Constitution whereby Parliamentarians right to vote is personal. The Organic Law may in exceptional circumstances authorise proxy voting..."*

## *Article 16*

1. – Standing Committees shall be notified through the good offices of the President of the Senate of all Government and member's bills that fall within their competence, together with papers and documents relating to them, except in cases where the Government calls for the matters to be remitted to a Committee specially appointed to examine them.

2. – The decision to remit to a Special Committee may also be taken by the Senate on the proposal of the President.

2a – The decision to establish a Special Committee may also be taken by the Senate on the proposal of the Chairman of a Standing Committee or the Chairman of a political Group. Such a request must be submitted within two working days of the bill being distributed, or within one working day of an emergency declaration being formulated by the Government prior to distribution. The request shall also be published and notified to the Government and to the Chairmen of political Groups and of Standing Committees.

The request shall be deemed to have been accepted if, after the second sitting following publication, no objection has been referred to the President of the Senate by the Government or by the Chairman of a political Group.

2b – If an objection to a request seeking the establishment of a Special Committee has been formulated in accordance with the conditions set out in paragraph 2a of this Article, a debate on the request shall be automatically placed on the agenda for the first sitting day following the announcement of the objection to the Senate. Permission to speak during the debate shall be restricted to the Government and, for a period not exceeding five minutes, the author of the objection, the author or first signatory of the request, and the Chairmen of the Standing Committees.

3. – In cases where a Standing Committee states that it does not have competence, and in cases of conflicts of competence between two or more Standing Committees, a Special Committee shall be established.

3a – Finance bills must be sent to the Finance, Budgetary Control and National Economic Accounts Committee.

4. – Renewed Standing Committees shall, after the renewal has taken place, be informed as of right of the matters remitted to them. Special Committees shall cease to exist when the texts they were established to examine are promulgated.

5. – Each Committee shall produce a report of its deliberations. This report shall be confidential. Senators may peruse Committee reports without attending the meetings.

6. – These reports and documents relating to them shall be lodged in the Senate Archives after each partial renewal of the Senate.

7. – By decision of its Chairman, a Committee's work may be the subject of a press release.

8. – A Committee may decide to publish all or part of its proceedings using whatever means it chooses.

9. – When a Committee is asked to examine a Government or a member's bill which will be voted on without debate, all of the Committee's debates on the draft legislation shall be published in the *Journal officiel*. The vote may not take place until the fifth day after it has been published.

10. – The provisions of the preceding paragraph shall not be applicable when the vote without debate is turned into a vote after limited debate.

11. – The Committee may decide to sit in camera at the request of the Prime Minister, the Chairman or a tenth of the members. It shall then decide on publishing a report of its debates in the *Journal officiel*.

#### *Article 17*

1. – Any Committee that considers itself competent to publish an opinion on a Government or a member's bill, an Article in a Law, or a budget appropriation remitted to another Standing Committee shall inform the President of the Senate that it wishes to do so. If the President receives only one request for an opinion, he/she shall send the document back to the Standing Committee that drew it up, and inform the Senate accordingly. The President shall otherwise inform the Chairmen's Conference, which may order that the request be remitted to the various Committees that drew up the request for opinions, or propose that the Senate establishes a Special Committee.

2. – If the tabling of a Government or a member's bill is retro-active or interpretative, the Committee concerned, as long as it is not a Special Committee, may refer the matter to the Committee for Constitutional Acts Laws, Legislation, Universal Suffrage, Standing Orders and General Administration for an opinion.

3. – When a Government or a member's bill has been remitted for an opinion, the Committee to which it has been referred shall appoint a *Rapporteur* who shall have the right to participate on a consultative basis in the work of the Committee referred to for advice.

4. – Opinions shall be printed and distributed. However, in extreme circumstances, the Committee that has asked to give an opinion may also give it verbally on the day fixed for discussion in a public sitting.

#### *Article 18*

1. – Ministers shall have access to Committees. They must be heard when they wish to speak, and they shall retire when the vote is taken.

2. – In cases where, under Article 69 of the Constitution, the Economic and Social Council appoints one of its members to expound on the Council's opinion on a Government or a member's bill before the Senate, the member shall be heard under the same conditions.

3. – Authors of member's bills, draft resolutions and amendments who are not members of the Committee shall be heard on a decision of the Committee. They shall retire when the vote is taken.

4. – Each of the Standing Committees may appoint one or more of its members who shall have a statutory right to participate on a consultative basis in the work of the Finance, Budgetary Control and National Economic Accounts Committee, while the Articles of a Law or budget appropriations for which it has competence are being examined. These members shall receive the same notifications to attend meetings and documents as titular members of the Finance Committee.

5. – Special Rapporteurs of the Finance, Budgetary Control and National Economic Accounts Committee shall participate as of right on a consultative basis in the work of the Standing Committees whose competences match the appropriations for which they have responsibility.

#### *Article 19*

1. – Committees shall appoint a *Rapporteur* when each Government or member's bill is being examined.

2. – Reports adopted by Committees may, in urgent cases, be printed immediately and distributed during recesses and during intervals between sittings.

#### *Article 20*

1. – Committees are summoned, through the good offices of their Chairman, in principle forty-eight hours before they are due to meet, or, when the Senate is not sitting, with one week's notice, except in emergencies. Letters convoking the committee must include the agenda and are also sent to the secretariat of each Group.

1a – The referral Committee of a bill shall meet to examine amendments before the public sitting starts. The Senate shall debate them during the public sitting and, if appropriate, before passing to discussion of Articles of the Law. In the latter case, the sitting shall be adjourned to allow the Committee to meet again.

2. – On all Committees, an absolute majority of members holding office, bearing in mind the provisions of Article 15, shall be necessary for votes to be valid, if a third of the members present so request.

3. – A nominal vote is mandatory on all matters if requested by five members. The results of votes and the names of those voting shall be published in the *Bulletin des commissions* (see article 23).

4. – If there has been no vote because of the absence of a quorum, the ballot shall take place legitimately, irrespective of how many members are present, at the next sitting, which may not be held less than an hour later.

5. – The Chairmen of Committees shall not have a casting vote; in the event of a tied vote, the question put to the vote shall not be adopted.

6. – On the day after every sitting of a Committee, the names of the members who were present, substituted, excused or on leave shall be inserted in the *Journal officiel*<sup>3</sup>. Postponement of any vote for lack of a quorum shall also be noted.

#### *Article 21*<sup>4</sup>

1. – The Senate may, at their request, grant Standing and Special Committees authorisation to appoint Information Missions on all questions relating to their competence. These Missions may not meet outside French territory during the ordinary session except during the weeks when the Senate is not sitting, or unless special permission is given by the Bureau.

2. – A request for an Information Mission must meticulously set out the objective, the duration, and the names of the members of the projected mission. This shall be sent to the President, who shall inform the Senate at the next public sitting.

3. – The debate on the request shall be included in the agenda if the Bureau has issued a favourable opinion on the expenditure to be incurred by the Information Mission.

4. – Unless the Bureau takes a contrary decision, information bulletins must be published within a period determined by the Bureau at the suggestion of the Committee. This period may be extended by the Bureau at the Committee's request.

#### *Article 22*

1. – Irrespective of other provisions that concern them, Standing Committees shall provide the Senate with information that will enable it to control Government policy in accordance with the Constitution.

2. - The Finance, Budgetary Control and National Economic Accounts Committee shall monitor and oversee implementation of Finance Laws, and evaluates all matters relating to public finances.

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<sup>3</sup> See note 2 of the article 15.

<sup>4</sup> See chapter X of the GIB.

### *Article 22a*

In line with their respective competences, and in accordance with the provisions of Ordinance n° 58-1374 of 30 December 1958 on the Finance Law for 1959, the various Committees shall appoint Senators to oversee and evaluate the management of national enterprises and semi-public companies.

### *Article 22b*

1. – Standing and Special Committees may, under Article 5b of Ordinance n° 58-1100 of 17 November 1958 relating to the functioning of parliamentary assemblies, ask the Senate to grant them the prerogatives given to Committees of Inquiry. The request must meticulously set out the objective of the Mission, and its duration, which may not exceed six months<sup>5</sup>.

2. – The request shall be forwarded to the President of the Senate, who will inform the Senate at the next public sitting. The request shall appear on the Senate's agenda on the proposal of the Chairmen's Conference.

3. - The Committee for Constitutional Acts Laws, Legislation, Universal Suffrage, Standing Orders and General Administration shall be invited, as long as the request does not emanate from the Committee itself, to issue an opinion setting out whether the request complies with the provisions of Article 6 of the aforementioned Ordinance.

### *Article 23*

A weekly *Bulletin des commissions* shall be published. It shall contain a report of the activities referred to in Article 20, together with any other information relating to the work of the Committees, as well as other information that the *Bureaux* of the Committees see fit to publish.

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<sup>5</sup> *In its Decision of 14 October 1996, the Constitutional Council stated that this maximum duration of six months: "could not be construed as... permitting [Special Committees] to continue working either beyond the date of the Parliament's definitive decision on the text that that brought them into being, or beyond the date of the text's withdrawal". The Constitutional Council also stated that "all of the provisions provided for by [Article 6 of Ordinance n° 58-1100 of 17 November 1958] apply to the work of a Standing Committee or a Special Committee being carried out in the framework of a mission for which the Committee has had conferred upon it the prerogatives attributed to a Committee of Inquiry."*

## **CHAPTER IV - TABLING GOVERNMENT AND MEMBER'S BILLS**

### *Article 24*

1. – The President shall, in a public sitting, announce the tabling of bills that have been submitted by the Government either directly or after they have been adopted by the National Assembly, of member's bills adopted by the National Assembly and forwarded to the President of the Assembly, and of member's bills and draft resolutions submitted by Senators. The tabling of Government and member's bills when the Senate is not sitting shall be reported in the *Journal officiel*, thereby indicating that the tabled bill was listed at the most recent meeting that the Senate has held, and announced at the first sitting thereafter. Government and member's bills shall be remitted to the competent Committee or to a Committee specially appointed for the purpose of examining them under the conditions set out in Article 16 and Chapter VIIa of these Standing Orders. Government and member's bills and draft resolutions shall be printed and distributed. On those occasions, that they are distributed when the Senate is not sitting, the distribution of Government and member's bills and draft resolutions shall be announced in the *Journal officiel*.

2. – Member's bills shall be linked to matters determined by the Constitution and Organic Laws. If they are presented by Senators, they shall not be admissible if adoption could result either in a decrease of a public resource not balanced by another resource, or in the establishment of, or increase in, a charge on public funds<sup>6</sup>.

3. – Draft resolutions shall be associated with decisions deriving from the exclusive competence of the State. They are inadmissible in all other cases except for those provided for in Constitutional and organic regulations.

4. – The Senate Bureau, or certain members appointed by the Bureau for that purpose, shall judge the admissibility of member's bills and draft resolutions.

### *Article 25*

Bills tabled by the Government may also be withdrawn by the Government at any stage of the procedure before they are finally adopted.

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<sup>6</sup> In its Decision of 2 June 1976, the Constitutional Council declared that the new wording of this Article complies with the Constitution: "... providing, however, both that the resource designed to balance the diminution of a public resource is genuine, and that it benefits the same collectivities and bodies as those to whose advantage the resource that is the subject of a diminution is received, and that compensation is immediate".

#### *Article 26*

The author or first signatory of a member's bill or draft resolution may withdraw it at any time, even when a debate has been opened on it. If another Senator takes the bill up, the debate shall continue.

#### *Article 27*

1. – When the President of the Republic asks that a bill be reconsidered, the President of the Senate shall inform the Senate of the fact either by announcing that the bill in question has been returned to the National Assembly for consideration, or that it has been transmitted to the Senate in the first instance for further deliberation.

2. – The draft of this Law shall be sent back for examination by the Committee that examined it previously.

3. – The request for further deliberation shall be printed together with the draft of the Law to which it applies.

#### *Article 28*

1. – Member's bills and draft resolutions that have been tabled by Senators and rejected by the Senate may not be re-introduced within a period of three months.

2. – Those member's bills and draft resolutions on which the Senate has not given a ruling shall be deemed to have lapsed at the opening of the third ordinary session following the one in which they were tabled. Government bills and draft resolutions tabled in the period between ordinary sessions, shall, for the purposes of calculating the date when they lapse, be moved to the first day of the ordinary session following the date when they were tabled.

3. – *Repealed by the Resolution of 21 November 1995.*

### **CHAPTER V - PLACING ITEMS ON THE SENATE AGENDA IMMEDIATE DISCUSSION**

#### *Article 29*

1. – The Chairmen's Conference is made up of the Deputy Chairmen of the Senate, the Chairmen of Standing Committees, the Chairmen of Special Committees concerned, the Chairman of the Senate Delegation for the European Union, the general *Rapporteur* of the Finance, Budgetary Control and National Economic Accounts Committee and the Chairmen of political Groups. A meeting of the Chairmen's Conference shall be called once a week, if appropriate, by the President with a view to examining the Senate's work and to make proposals

relating to regulating its agenda, together with debates given precedence at the Government's request. The Conference shall also determine the date of the monthly sitting at which precedence is given, in accordance with the final paragraph of Article 48 of the Constitution, to business decided upon by the Senate. The Conference shall take into account the balance between the Groups and put the agenda to the Senate.

2. – The Government shall be notified of the day and time of the meeting of the Chairmen's Conference. It may be represented by only one of its members.

3. – The Chairmen's Conference shall examine the Senate's agenda for the current week and for the two following weeks. To this end, it shall be informed of the matters that the Government has decided to place on the agenda as priority issues. Within the framework of the sittings that it decides to put to the Senate, the Chairmen's Conference shall set out the supplementary bills to be submitted to the Senate in relation to discussion on Government and member's bills and to oral questions. The Conference may also, in respect of certain legislation, determine the conditions for conducting votes.

3a – At the opening of the session or, at the latest, on the following 1 March or after a Government has been formed, the Government shall inform the Chairmen's Conference of the matters that it expects to ask to be placed on the Senate agenda, and the period of time planned for discussion<sup>7</sup>.

4. – In the course of the sitting following the meeting of the Chairmen's Conference, the President shall inform the Senate of the matters that the Government has decided to place on the agenda as priority issues, and shall submit to the Senate the additional bills drawn up by the Chairmen's Conference and the agenda for the monthly meeting referred to in paragraph 1 above. The President shall also announce the decisions reached by the Conference on accepting requests for a vote without debate or a vote after limited debate.

5. – In relation to priority items decided under paragraph 1 of Article 48 of the Constitution, the agenda drawn up by the Senate may only be subsequently amended by a decision of the Government. As far as other matters are concerned, it may only be amended by a vote on the initiative of a Committee, or of thirty Senators whose presence must be established by a roll call.

6. – Any amendment to the agenda, or to decisions relating to the organisation of a vote without debate or after limited debate, shall be notified immediately to the Government, the Chairmen of Groups and Chairmen of Committees. In addition, all Senators shall be informed in writing.

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<sup>7</sup> *In its Decision of 15 December 1995, the Constitutional Council stated that: "the information that might be provided by the Government" was no more than "indicative".*

### Article 29-a

1. – The organisation of general discussion of legislation submitted to the Senate may be determined by the Chairmen’s Conference, which, within the framework of the sittings set out on the agenda, shall fix the total amount of time that speakers from the various political Groups, and those not appearing on the list of any Group, shall have.
2. – This time shall be divided by the President of the Senate in such a way as to guarantee each Group an identical minimum time based on the overall length of the debate. The amount of time that remains available shall then be divided between the Groups and the non-aligned Senators in proportion to their numbers of seats.
3. – Registration to speak shall take place no later than the day before the debate starts. This shall be carried out by the Chairmen of Groups or by the delegate representing non-aligned Senators, who shall in turn inform the President of the Senate of the order in which they want the speakers they name to be called, and the duration of their interventions.
4. – An opportunity to speak shall be given to all registered speakers by calling successively one from each Group and one of the non-aligned Senators, and in an order determined as follows:
5. – At the beginning of each ordinary session, the Chairmen of Groups and the delegate of non-aligned Senators shall determine the order in which their speakers will follow one another by drawing lots. In each subsequent general debate, this order shall be modified by one place in such a way that each Group shall be placed at the level immediately above, while the Group that was previously at the top shall move to the last place.

### Article 30

1. – Immediate discussion of a Government or member’s bill may be requested at any time by the competent Committee or, in the case of a text submitted by a Senator, by its author.
2. – The request shall be communicated to the Senate and published. The Government shall also be informed. No ruling may be given on the request for an hour, but after the second reading, this waiting period shall not apply to matters relating to a request for immediate discussion from the Committee.
3. – A Committee may request immediate discussion without the hour’s delay of a matter that comes within its competence providing that the request was formulated at least twenty-four hours before the Senate has to give a ruling on it, and has been published in the *Journal officiel* after the agenda that was previously drawn up.

4. – When immediate discussion is requested by the author of a member’s bill without the prior agreement of the competent Committee, the request shall only be communicated to the Senate if it has been signed by thirty Senators whose presence must be established by a roll call.

5. – A ruling shall only be given on the request for immediate discussion after the Government and member’s bills placed on the agenda as matters of priority have been examined.

6. – Debate on a request for immediate discussion on a Government or member’s bill or a draft resolution must never deal with the substance of the matter: only the author of the request, one speaker ‘against’, the Chairman or the Committee *Rapporteur* and the Government may be heard. No explanation of the vote shall be allowed.

7. – When a decision has been reached on immediate discussion, deliberation may take place on a verbal report: under Article 42, deliberation includes general discussion, an examination of the Articles, and a vote on the whole text.

8. – Provisions on coordination shall apply to immediate discussion.

#### *Article 31*

1. – Except in cases of a new deliberation or immediate discussion, and when discussion has been placed on the agenda by the Government as a matter of priority, a Government or member’s bill may only be placed on the agenda for a date after distribution or publication of the report.

2. – However, when a Finance Bill is referred to the Senate in conditions provided for in paragraph 2 of Article 47 of the Constitution, a debate shall be scheduled automatically if a request is made to do so by a Senator within ten days of the bill being tabled with the Senate Bureau.

## **CHAPTER VI - CONDUCT OF MEETINGS**

#### *Article 32*

1. – The sittings of the Senate shall be held in public.

2. – The Senate shall normally meet in public sitting every week on Tuesday, Wednesday and Thursday. The Senate may also decide to hold meetings on other days within the limitations laid down in the paragraph 2 of Article 28 of the

Constitution, and at the request of the Chairmen's Conference, the Government or the Referrall Committee<sup>8</sup>.

3. – Except where the Senate reaches a contrary decision on the proposal from the Chairmen's Conference, the Senate shall hold meetings:

- on Tuesday and Thursday mornings from 9.30 a.m. to 1.00 p.m.;

- on Tuesday afternoons from 4.00 p.m. and from 3.00 p.m. on Wednesdays and Thursdays, finishing at 8.00 p.m.

The Senate may extend the public sitting outside these hours following a proposal from the Chairmen's Conference, the Government or the Referrall Committee.

4. - *Repealed by the Resolution of 21 November 1995.*

5. – The Senate may, at the request of the Prime Minister or of a tenth of the members holding office, and whose presence must be established by a roll call, decide to meet in secret session by a vote expressly to that effect and without debate.

6. – When the reason that has given rise to a meeting being held in secret session no longer applies, the President shall consult the Senate on reverting to holding meetings in public.

7. – The Senate shall subsequently decide whether the full report of the debates that took place in secret session should be published.

#### *Article 32a*

1. – At the beginning of each ordinary session, the Senate shall, on the proposal of the Chairmen's Conference, fix the weeks when sittings shall take place. The Senate may subsequently decide to alter these weeks on the proposal of the Chairmen's Conference.

2. – Under Article 28 of the Constitution, sitting days shall be those on which a sitting has been opened.<sup>9</sup>

3. – Under the conditions laid down in the paragraph 3 of Article 28 of the Constitution, the Senate may, following a decision taken by the Prime Minister after consultation with the President of the Senate or on the basis of a majority

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<sup>8</sup> *In its Decision of 15 December 1995, the Constitutional Council stated that implementation of this procedure embracing sittings other than those provided for in this paragraph was “conditional both on the ceiling of 120 days’ sitting set out in Article 28 [of the Constitution] is not exceeded, and on there being weeks during which each assembly will decide to hold sittings”.*

<sup>9</sup> *In its Decision of 15 December 1995, the Constitutional Council stated that “this provision should not be construed, against a backdrop of the determination of the 120-day ceiling set out in paragraph 2 of Article 28 of the Constitution, as extending sitting days beyond the point at which the following day’s sitting commences, or, at all events, for longer than 24 hours”.*

decision of the members of the Senate, hold additional sitting days over and above the limit fixed in the paragraph 2 of the same Article<sup>10</sup>.

4. – When the decision emanates from the Prime Minister, the President of the Senate shall inform the Senate, if it is sitting. At all events, the Chairmen of political Groups and of Committees shall be informed of additional sitting days; all Senators shall also be notified in writing.

5. – A majority of the Senate may also decide to hold additional sitting days. The request, accompanied by a list of the signatories and their signatures, shall be sent to the President of the Senate. The President shall then inform the Government, the Chairmen of Groups and the Chairmen of Committees of the additional sitting days. The President shall also inform all Senators of the additional sitting days in writing.

6. – Additionally, on the proposal of the President of the Senate, the Chairmen's Conference, a Chairman of a Group or a Chairman of a Standing or Special Committee, the Senate may, by a public ballot and by a majority of the members making up that body, decide to hold additional sitting days<sup>11</sup>. This decision shall be covered under information measures set out in paragraph 5.

### *Article 33*

1. – The Senate shall always be quorate when discussing and organising its agenda.

2. – The President shall open the sitting, control deliberations, ensure compliance with the Standing Orders and maintain order. He/she may adjourn or close sittings at any time.

3. – The Secretaries shall oversee the editing of the report, monitor, register votes held by show of hands or by a sitting and standing vote, and count the votes. At least two Secretaries must always be present in the Bureau. In their absence, the President may call on the youngest members of the Senate to fulfil their duties.

4. – At the beginning of every sitting, the President shall submit the report from the previous sitting to the Senate for its adoption.

5. – The opportunity to speak for a maximum of five minutes shall be given to any Senator who so requests in order to comment on the report.

6. – If the report gives rise to an objection, the sitting shall be adjourned to enable the Bureau to examine the proposed modifications to the report. When the sitting

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<sup>10</sup> *In its Decision of 15 December 1995, the Constitutional Council stated that: "implementation of this provision should not be restricted to the sitting days referred to in paragraph 2 of Article 32 of the Standing Orders."*

<sup>11</sup> *In its Decision of 15 December 1995, the Constitutional Council stated that: "the powers thus assigned to the Senate demand that public ballot procedure ensures that Senators are not personally identified with such a decision."*

reconvenes, the President shall announce the Bureau's decision, and this shall be followed by a vote without debate and by an ordinary public ballot on adoption of the report.

7. – After the report has been adopted, it shall be signed by the President or the Deputy Chairman who chaired the sitting, and two Secretaries.

8. – If the report is rejected, discussion on this will be placed on the agenda of the next sitting after matters having a precedence have been examined under the provisions of paragraph 1 of the Constitution.

9. – If that is the case, the whole report, signed by the President and counter-signed by two Secretaries, shall vouch for the validity of the texts adopted during the sitting.

#### *Article 34*

1. – Senators may present their apologies for not attending a particular sitting. Senators may also request leave from the sitting: applications must take the form of a written, reasoned declaration to the President.

2. – The Bureau of the Senate shall give an opinion on the request for leave; the opinion shall be submitted to the Senate.

3. – The leave shall terminate by means of a written, personal declaration from the Senator.

4. – Leave shall not confer the entitlement to proxy votes.

#### *Article 35*

1. – Before moving on to the agenda, the President shall inform the Senate of the communications that concern it; the Senate may, if it sees fit, order that they be printed.

2. – No motion, address or bill may be submitted to the Senate for a vote without first being the subject of a report of a Standing or Special Committee; this shall not apply to motions presented at the conclusion of an open debate in the conditions set out in paragraph 2 of Article 39.

#### *Article 36*

1. – No Senator may speak unless he/she has asked the President for permission, and received it, unless he/she is exceptionally authorised by a speaker to interrupt. In the latter case, the interruption may not exceed two minutes.

2. – No Senator may speak in a public sitting for more than forty-five minutes, even if he/she does so on behalf of a Committee.

3. – An opportunity to speak shall be given immediately to any Senator who seeks to do so in order to ensure adherence to the Standing Orders. However, the author of the request must refer to a precise provision of the Standing Orders other than those in this paragraph; the opportunity to speak shall otherwise be withdrawn. The right to speak shall be given, although only at the end of the sitting, to Senators who request to do so for personal matters. In either case, a Senator may not speak for more than five minutes.

4. – Senators who ask to speak may not do so on behalf of one of their colleagues. They are listed in the order that they put in their requests, except where the Chairmen's Conference has decided to organise the general discussion of the debate in accordance with the provisions set out in Article 29a.

5. – Speakers shall address the Chamber from the rostrum or from their seats. The President may invite them to speak from the rostrum.

6. – If the President believes that it is necessary to do so for the Senate to be properly informed, he/she may exceptionally authorise a speaker to continue his intervention beyond the maximum amount of time provided for in the Standing Orders.

7. – If a speaker addresses the Chamber without permission, or attempts to continue speaking after the President has withdrawn permission, the President may declare that his/her words shall not appear in the record.

8. – A speaker may not stray from the subject, as the President will otherwise make him/her return to the point.

9. – If a speaker who has been made to return to the question twice in the same speech continues to stray from the subject, the President must consult the Senate as to whether the speaker might have his/her right to speak on that subject withdrawn for the remainder of the sitting. The Senate shall decide on the matter without debate and by a show of hands; in the event of any doubt, the speaker shall not be banned from speaking.

10. – It is forbidden for members to address one another personally.

#### *Article 37*

1. – The right to speak shall be accorded to Ministers, Chairmen and Rapporteurs of the Committees concerned when they request it.

2. – Government spokespersons may, at the Government's request, also intervene.

3. – A Senator may always have permission to speak for a period not exceeding five minutes, and immediately after a member of the Government or the representative of a Committee when no speaker is down to speak later on in the debate; no intervention is otherwise expressly provided for in the Standing

Orders. However, an opportunity to speak may not be accorded to a Senator in order to reply to the Government or a Committee in an amendment debate or on a motion referred to in Article 44.

4. – The Chairmen and Rapporteurs of Committees may be assisted in discussions in a public sitting by civil servants of their choosing, whose names have been notified in writing to the President of the Senate.

#### Article 38<sup>12</sup>

1. – When at least two speakers with different opinions have intervened in general discussion, on the whole of an Article or in explanations of vote on an amendment, an Article or the whole of the text under discussion, the President or any member of the Senate may propose that the discussion be closed.

2. – When the request to close concerns the discussion of an Article, or a text or explanations of votes other than those dealing with the whole of the text, this does not accord the right to any debate.

3. – When the request concerns general discussion or explanations of vote on the whole of the text, this accords the right to a debate in which the author of the request, or his/her representative, and a speaker with a contrary view may participate (each for a maximum of five minutes), the President and the *Rapporteur* of the Referrall Committee and the Government's representative may speak. Priority shall be given to the first of the speakers listed for the discussion or, in his/her absence, another so listed, if he/she asks to speak against closure. In the absence of speakers being listed, the opportunity to speak against closure shall be accorded to the Senator who asked first.

4. – The President shall consult the Senate on a show of hands. If there is any doubt concerning the Senate vote, the Senate shall be consulted by a sitting or standing vote; if there continues to be doubt, the discussion shall continue.

5. – Closure takes effect as soon as it is announced. However, when closure concerns explanations of votes on the whole of the Government or member's bill under discussion, the President may authorise a speaker from each of the Groups that have not yet spoken to explain their votes for a period not exceeding five minutes.

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<sup>12</sup> *In its Decision of 3 June 1986, the Constitutional Council stated that the new wording of this Article complies with the Constitution: "bearing in mind that paragraph 5 of Article 38 provides that, when closure relates to explanations of votes on the whole of the Government or member's bill under discussion, the president may allow a speaker from each of the Groups that have not yet spoken to explain their votes for no more than five minutes, and specifying that closure of the discussion may only be proposed if the intervention has at least two speakers, as provided for in paragraph 1 of Article 38, and focuses on the substance of the debate".*

### *Article 39*

1. – A reading at the Senate's rostrum by a member of the Government of the Government's programme and eventually the Statement of General Policy, in relation to which the Government engages its responsibility before the National Assembly, under paragraph 1 of Article 49 of the Constitution, but for which it does not seek the Senate's approval, may not be the subject of any debate, and does not give the right of reply provided for in paragraph 3 of Article 37 of the Standing Orders.

2. – When the Government, using its powers under the final paragraph of Article 49 of the Constitution, asks the Senate to approve a Statement of General Policy, this Statement shall be the subject of a debate, at the end of which, in the absence of any other proposal, the President shall consult the Senate on approval by public ballot. However, this debate may not take place at the same time as any debate opened in the National Assembly on the same Statement.

2a. – When, on the proposal of the Government, the President of the Republic has decided to submit a Government bill to a referendum, the Government's Statement referred to in paragraph 2 of Article 11 of the Constitution shall be the subject of a debate. If discussion on the Government bill has already commenced, it shall be adjourned immediately.

2b. – When the President of the Republic, at the Government's proposal, has decided to consult the electorate in an overseas territorial unit over a change of institutional regulation as provided for in paragraph 1 of Article 72-4 or the final paragraph of Article 73 of the Constitution, the Government's Statement shall be the subject of a debate.

3. – In circumstances other than those referred to in paragraphs 2, 2a and 2b, in which the Government makes a Statement to the Senate, this Statement may, on a decision of the Chairmen's Conference, be the subject of a debate. If the Statement is not the subject of a debate, this gives one Senator from each Group the right of reply provided for in paragraph 3 of Article 37 of the Standing Orders. The order of speaking shall be determined by a drawing of lots, as provided for in Article 29a.

4. – Debates commenced under the provisions of this Article may be organised by the Chairmen's Conference in conditions set out in Article 29a of the Standing Orders, with a specific time also being fixed, if appropriate, for the Chairmen of the Special and Standing Committees concerned. These debates shall be closed after listed speakers have been heard, together with any response from the Government.

### *Article 40*

1. – All personal attacks, expressions of views and interruptions that create disorder are forbidden.

2. – If circumstances so demand, the President may announce that he/she will adjourn the meeting. If calm is not restored, he/she will do so. When the meeting resumes, and if the circumstances remain the same, he/she shall close the sitting.

#### *Article 41*

1. – Before closing the sitting, the President shall inform the Senate of the date of the agenda for the next sitting.

2. – Official Minutes shall be produced for each public sitting, and a Comprehensive Report shall be published in the *Journal officiel*.

## **CHAPTER VII - DISCUSSION OF GOVERNMENT AND MEMBER'S BILLS**

#### *Article 42*

1. – Bills submitted on behalf of the Government and tabled with the Senate Bureau, Government and member's bills transmitted by the National Assembly, and member's bills and draft resolutions presented by Senators shall be debated in a public sitting as follows:

2. – Government and member's bills transmitted by the National Assembly and accepted by the Government shall be the subject of a discussion opened by the Government, and continued through the presentation of the competent Committee's report. In all other circumstances, discussion shall open with the presentation of the Committee's report, subject to the provisions set out in paragraph 4 below.

3. – When the report has been printed and distributed, the *Rapporteur* shall complete it and comment on it; a formal reading being excluded. Except where a contrary decision has been made by the Chairmen's Conference, the *Rapporteur's* presentation shall not exceed twenty minutes. When the procedure goes on to a discussion of the Articles, the *Rapporteur* must inform the Senate of the current state of the Committee's work after an examination of the amendment and sub-amendments that it has been working on, when it results in a substantial change to the Committee's final report.

4. – When, in accordance with Article 69 of the Constitution, the Economic and Social Council has chosen one of its members to provide the Senate with the Council's opinion on a Government or member's bill that has been submitted to it, the appointment shall be notified to the President of the Senate by the President of the Economic and Social Council. The Economic and Social Council representative shall have access to the Chamber for the entire duration of the discussion in a public sitting. The President shall give the representative an opportunity to speak before the report from the Referrall Committee has been

presented. The opinion shall be given in the form set out in Article 50 of the Standing Orders of the Economic and Social Council. In particular, it must report on the positions taken during a session of the Council by groups, and particularly by minorities, on the whole of the text and on its main provisions. At the request of the Chairman of the Referral Committee, and after the debate has finished, an opportunity to speak shall be given to the representative of the Economic and Social Council to present the Council's point of view.

5. – After the general discussion has ended, the Senate shall pass to discussion of the Articles.

6. – Discussion of the Articles in Government and member's bills shall focus on:

a) the text presented by the Government in relation to Government bills initially tabled with the Senate Bureau, or the text transmitted by the Government if it has been initially rejected by the National Assembly;

b) the transmitted text in relation to Government and member's bills voted on by the National Assembly;

b-1) the text previously adopted by the Senate in relation to Government and member's bills all of which have been rejected by the National Assembly after transmission from the Senate;

c) the text sent back by the competent Committee in relation to Government and member's bills presented by Senators. In these circumstances, when the Committee does not present a conclusion, or if the Committee's conclusions are rejected, the Senate shall be invited to discuss the initial draft of the bill;

d) a text drawn up by the Joint Committee when the Senate discusses the Committee's conclusions.

7. – Discussion shall focus on each Article, and then on associated amendments. However, under Article 44 of the Constitution, and if the Government so requests, the Senate shall express a view on all or part of the text under discussion, retaining only amendments proposed or accepted by the Government. Opportunities to speak on each amendment shall therefore only be accorded to one speaker for, one speaker against, the Committee and the Government.

8. – Each speaker has only one opportunity to speak on the whole of an Article, except in the exercise of the right of reply to Ministers and Rapporteurs, and subject to explanations of votes; interventions and explanations of votes may not exceed five minutes<sup>13</sup>.

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<sup>13</sup> A new paragraph arising from the Resolution of 25 April 1973, and declared to be compliant with the Constitution by the Constitutional Council (Decision of 17 May 1973), subject to the following comments: "Considering that such restrictions on the number of speakers able to speak in certain phases of debates must necessarily be understood subject to the provisions of Article 31 of the

9. – In complex matters, the text must be divided if a request to do so is made. A decision on this may be taken by the President.

10. – After the second reading in the Senate of Government and member's bills, the Articles and budget appropriations to be discussed shall be limited to those for which the two Chambers of the Parliament have not yet adopted a text or identical sum.

11. – It follows that, during the second or subsequent readings, no amendment or additional Article shall be accepted which, either directly or by incompatible additions, calls into question Articles or budget appropriations voted on by one or other Assembly in a text or with an identical sum.

11a. – No exception may be made to the rules set out in paragraphs 10 and 11 for ensuring coordination of the provisions adopted and for carrying out a material correction.

12. – Amendments shall not be admissible, except with the Government's agreement, when the Senate examines a text drawn up by a Joint Committee. When the Senate is invited to express a view before the National Assembly, it shall first give a ruling on the amendments and then, on a single vote, on the whole of the text, only retaining amendments that have the Government's agreement.

13. – After a vote has been taken on all the Articles, there shall be a vote on the whole of the text.

14. – When no additional articles have been proposed prior to the vote on the single Article of a Government or member's bills, this vote shall be equivalent to a vote on the whole text. No additional Article shall be admissible after this vote has taken place.

15. – General considerations may not be presented on the whole of the text; only brief explanations not exceeding five minutes shall be allowed before a vote is taken on the whole of the text.

#### *Article 43*

1. – Before a vote is taken on the whole of a Government or member's bill, the Senate may, at the request of one of its members, decide that the text should be remitted to the Committee for coordination. In the debate on this request, an opportunity to speak shall only be given to the author of the request or his/her representative, a speaker with a contrary view (a maximum of five minutes each), the Chairman or *Rapporteur* of the Referral Committee of the bill and the Government. No explanation of the vote shall be allowed.

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Constitution, under the terms of which members of the Government shall be heard by both assemblies when they so wish.”

2. – Remittance for coordination shall be mandatory if the Committee so requests.
3. – If there are grounds for remitting the text for coordination, the sitting shall be adjourned if the Committee so requests: the Committee's work shall be submitted to the Senate as soon as possible, and debate may only focus on the wording.
4. – Before a vote is taken on the whole of a text, all or part of it may, on the decision of the Senate, be remitted to the Committee for a second deliberation as long as the request to remit has been formulated or accepted by the Government. In the debate on this request, opportunities to speak shall only be given to the author of the request or his/her representative, a speaker with a contrary view (a maximum of five minutes each), the Chairman or *Rapporteur* of the Referral Committee and the Government. No explanation of vote shall be allowed.
5. – If there are grounds for a second deliberation, the texts adopted in the first deliberation shall be remitted to the Committee, which in turn must present a new report.
6. – In its second deliberation, the Senate shall only give rulings on the Government's or the Committee's new proposals presented in the form of amendments, and on sub-amendments that apply to the amendments.
7. – Before a vote is taken on the whole of the text, no vote that has already been taken may be returned to without prior remittance to the Committee either for coordination or for a second deliberation.

#### *Article 44*

1. – During discussion, exceptions, questions, motions and emergency requests shall be proposed and discussed in the order set out below:
2. – An objection that a question is inadmissible (inadmissibility exception), the aim of which is to demonstrate that the text under discussion, unless it is covered by Article 45 below, is contrary to constitutional, legal or regulatory provision, and whose effect, if it were to be adopted, would be rejection of the text against which it was raised. Unless it emanates from the Government or the Referral Committee, only one question of admissibility may be put in the course of a given debate before the discussion of the Articles. The vote on admissibility shall take place after short debate referred to in paragraph 8 below;
3. – The preliminary question, the aim of which is to decide either that the Senate opposes the whole of the text or that there are no grounds for continuing the deliberation. It may only be asked once in the course of a given debate before discussion of the Articles or, if it emanates from the Referral Committee or the Government, either after the Government and Rapporteurs have been heard, or before discussion of the Articles, and, at all events, after discussion of any inadmissibility relating to the whole of the text. A vote on the preliminary

question shall take place immediately after the limited debate referred to in paragraph 8. Adoption shall cause the text to which it applies to be rejected;

4. – Incidental and prejudicial motions, the aim of which is to govern a debate with one or more conditions relating to the text under discussion, and the effect of which, if it is adopted, is to defer the debate until the condition or conditions are complied with;

5. – Motions remitting part or all of the text under discussion to the Committee, the aim of which, if they are adopted, is to adjourn the debate until the Committee presents a new report. When a text has been placed as a priority item on the agenda by a decision of the Government, the Committee must present its conclusions during the same sitting, except by agreement with the Government. A request to remit to the Committee emanating neither from the Government nor from the Referrall Committee is inadmissible if there has already been a vote on a request to remit relating to the whole of the text;

6. – Requests for priority or reserve, the effect of which, if they are adopted, is to amend the order of discussion on the Articles of a text or the amendments. When the request comes from the Referrall Committee, priority or reserve are mandatory, unless this is opposed by the Government. In the latter case, the request shall be submitted to the Senate, which shall give a ruling without debate.

7. – The motions referred to in paragraph 4 may only be presented during discussion on Government and member's bills that have been placed as priority items on the agenda following a decision of the Government.

8. – In debates opened under the terms of this Article, only the author of the initiative or his/her representative, a speaker with a contrary view, the President or *Rapporteur* of the Referrall Committee and the Government may speak. Interventions by the author of the initiative or his/her representative and the speaker with a contrary view may not exceed five minutes on a request for priority or reserve, fifteen minutes in debates on the whole of the Government or member's bill under discussion, and five minutes for all other debates. Prior to a vote on the motions referred to in paragraphs 2 to 4, an opportunity may be given to a representative of each Group to speak on the explanation of the vote for a maximum of five minutes.

#### *Article 45*

1. – Any amendment, whose adoption could lead either to the diminution of a public resource not balanced by another resource<sup>14</sup> or to the establishment of, or increase in, a charge on the public purse, may be the subject of an inadmissibility

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<sup>14</sup> In its Decision of 2 June 1976, the Constitutional Council declared that this provision is not contrary to the Constitution: "... providing, however, both that the resource designed to balance the diminution of a public resource is genuine, and that it benefits the same collectivities and bodies as those to whose advantage the resource that is the subject of a diminution is received, and that compensation is immediate".

raised by the Government, the Finance Committee, the Referrall Committee of the text or any Senator. Inadmissibility is deemed to be automatic if it is accepted by the Finance Committee, and as a consequence no debate takes place. If the Finance Committee recognizes it as admissible, the amendment shall be scheduled for debate.

2. – When the Finance Committee is unable to announce its conclusions on the admissibility of the amendment immediately, the Article under discussion shall be reserved. When the Finance Committee believes that there is doubt, its representative may ask to hear the explanations of the Government, and of the author of the amendment, who may speak for five minutes. If the Finance Committee representative believes that there is still doubt, the amendment and the corresponding Article shall be reserved and remitted to the Finance Committee. In the cases referred to in this paragraph, the Finance Committee must announce its conclusions on admissibility before the end of the debate; if it does not do so, the inadmissibility will be tacitly allowed.

3. – The rules set out in paragraphs 1 and 2 of this Article shall also apply to the discussion of a member's bill tabled by a Senator.

4. – The procedure follows the same rules when the Government or any Senator opposing an amendment or an additional Article, raises a question of admissibility based on one of the provisions of the Organic Law relating to Finance Laws.

5. – Inadmissibility as set out in paragraph 1 of Article 41 of the Constitution may be opposed by the Government to a proposal or an amendment before discussion on it begins in a public sitting. When it is opposed in a public sitting, the sitting shall be adjourned, if appropriate, until the President of the Senate rules whether the inadmissibility is opposed to a proposal; if it is opposed to an amendment, discussion on the amendment and, if appropriate, on the Article attached to it shall be reserved until the President of the Senate has given a ruling.

6. – In none of the cases referred to in the preceding paragraph are there grounds for a debate. The President of the Senate may consult the Chairman of the Committee for Constitutional Acts, Laws, Legislation, Universal Suffrage, Standing Orders and General Administration or a member of the Bureau specially assigned to that task<sup>15</sup>. Inadmissibility is automatic when it is confirmed by the President of the Senate. If the President of the Senate and the Government disagree, the Constitutional Council shall be informed under a procedure set out in Article 42 of the Constitution, and discussion shall be adjourned until the Council's decision, which must be communicated to the Senate by the President immediately, is known.

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<sup>15</sup> *The Constitutional Council considered, in its Decision of 15 December 1995, that: "these powers [of consultation] shall not challenge the personal prerogatives that the President of the Senate enjoys under Article 41 of the Constitution."*

7. – The inadmissibility of amendments set out in Article L.O. 111-3 of the Social Security Code may be raised by the Government, the Social Affairs Committee, the Referrall Committee or any Senator. Inadmissibility shall be allowed as a matter of right without recourse to debate if it is confirmed by the Social Affairs Committee. The amendment shall be listed for discussion if the Social Affairs Committee does not recognise the inadmissibility.

8. – If the Social Affairs Committee is unable to announce its conclusions on the amendment's inadmissibility immediately, the Article under discussion shall be reserved if the Committee believes that there is doubt; its representative may ask to hear the explanations of the Government, and of the author of the amendment, who may speak for five minutes. If the Committee representative believes that there is still doubt, the amendment and the corresponding Article shall be reserved and remitted to the Committee. In the cases referred to in this paragraph, the Committee must announce its conclusions on admissibility before the end of the debate. If it does not do so, the inadmissibility shall be tacitly allowed.

9. – In cases where a member's bill tabled by a Senator is being discussed, the rules set out in paragraphs 7 and 8 of this Article shall also apply to the text under discussion.

#### *Article 46*

1. – Amendments relating to expenditure may only refer to budget appropriations that are the subject of a vote under the provisions of Article 43 of the Organic Law relating to Finance Laws.

2. – Amendments dealing with mission funds above the amount that the Government has undertaken to cover are inadmissible, and may not be put to the vote by the President.

#### *Article 47*

When the Senate has submitted to it a Government bill authorising ratification of a treaty concluded with a foreign power, there shall be no vote on the Articles of the treaty, but only on the bill authorising ratification.

#### *Article 47a*

1. – When applying the provisions of Article 42 of the Organic Law relating to Finance Laws, a vote shall be taken on the whole of the first part of the year's Finance Bill under the same conditions as for the whole of the Government bill. The second deliberation shall be as a matter of right if requested by the Government or the Finance Committee.

2. – If the Senate does not adopt the first part of the Finance Bill, the whole of the Government bill shall be deemed to have been rejected<sup>16</sup>.

3. – Before a vote is taken on the whole of the Finance Bill, the provisions in paragraphs 4-6 of Article 43 may only be applied to Articles in the first part of the Bill, although coordination may take place at the request of the Government or the Finance Committee.

#### *Article 47a-1*

When applying the provisions of the Organic Law relating to Finance Laws, the Chairmen's Conference shall, on a proposal from the Finance Committee, determine precisely how discussion on the year's Finance Law will proceed.

### **CHAPTER VIIA - FORESHORTENED PROCEDURES**

#### *Article 47b*

1. – At the request of the President of the Senate, the Chairman of the Referral Committee, the Chairman of a Group or the Government, the Chairmen's Conference may decide on a vote without debate or a vote after limited debate on a Government or member's bill. The Conference shall also fix a deadline for the tabling of amendments<sup>17</sup>.

2. – A decision on a vote without debate or a vote after limited debate may only be taken with the agreement of all the Chairmen of Political Groups.

#### *Article 47c*

1. – If there are grounds for a vote without debate, the Committee may not meet to examine the text and associated amendments for seventy-two hours after the deadline for the tabling of amendments has passed. All Senators and the Government shall be informed of the date, venue and objective of the meeting immediately.

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<sup>16</sup> *In its Decision n° 92-309 DC of 9 June 1992, the Constitutional Council stated that the Resolution adopted by the Senate on 14 May 1992 excluding corrected Finance Bills from the scope of this Article ran counter to the Constitution. The Council considered that: "by generally and absolutely excluding corrected Finance Bills from the scope of the rules set out in Article 47a of the Senate Standing Orders, the Resolution submitted for examination by the Constitutional Council misunderstood the combined provisions in Articles 1, 2 and 40 of Ordinance n° 59-2 of 2 January 1959 on the Organic Law relating to Finance Bills."*

<sup>17</sup> *In its Decision of 7 November 1990, the Constitutional Council considered "... that these various provisions, which relate exclusively to amendments from Senators, are not in themselves contrary to the Constitution, as the deadline chosen for tabling amendments is determined in such a way as not to impede the effective exercise of the right of amendment, and that the possibility of tabling sub-amendments subsequently is not prohibited".*

2. – The signatory, or one of the signatories, to each amendment may participate in the Committee’s debate. Government participation is a matter of right. In a departure from the provisions of paragraph 1 of Article 18, Ministers may attend votes taken at this meeting.

3. – If, in the course of this sitting, the Government raises a question of admissibility based on Article 41 of the Constitution, debate shall be adjourned and the President of the Senate shall be informed immediately. Inadmissibility shall be allowed as a matter of right if it is confirmed by the President of the Senate.

4. – If the President of the Senate and the Government are in disagreement, the procedure set out in paragraph 6 of Article 45 of the Standing Orders shall be followed.

5. – If an inadmissibility exception is based on the provisions of Article 40 of the Constitution or on the provisions of the Organic Law relating to Finance Laws, inadmissibility shall be assessed by the Finance Committee.

#### *Article 47d*

1. – If there are grounds for a vote without debate in a public sitting, any amendment rejected by the Committee may, before general discussion ends, be raised again by the author, who shall have five minutes to present them. This shall be followed by a vote on these amendments, on those adopted by the Referral Committee if there are any, and on the Article to which they refer. The same procedure shall apply to sub-amendments on which the Committee has not given a ruling.

2. – The President shall put the whole of the text to the vote, and in the case of Articles other than those adopted under the terms of the preceding paragraph, the amendments adopted by the Committee. Before the vote is taken, an opportunity to speak for five minutes shall be given to one representative from each Group.

3. – The Committee’s report shall include in an annex the amendments that it has rejected.

#### *Article 47e*

1. – If there are grounds for limited debate, an opportunity to speak will only be given to the Government, the Chairman and *Rapporteur* of the Referral Committee, the authors of the amendments and, on each amendment, a speaker with a contrary view. Interventions other than those of the Government may not exceed five minutes.

2. – Subject to the provisions of paragraph 3 of Article 44 of the Constitution, the President shall only put amendments, Articles and the whole of the Government or member’s bill to the vote.

3. – Before a vote is taken on the whole of the Government or member’s bill, an opportunity to speak for five minutes may be given to a representative of each Group.

*Article 47f*

1. – A vote without debate shall automatically become a vote after limited debate if the Government so requests. This request must be formulated no later than four days before the date scheduled for the vote on the text in a public sitting.

2. – In such cases, a vote after limited debate is mandatory if the Government has tabled one or more amendments after the Committee has given its opinion.

*Article 47g*

Government and member’s bills on which a decision has been taken in relation to a vote without debate or one after limited debate may only be the object of the initiatives referred to in Article 44 of the Standing Orders at the meeting of the Committee, or in a public sitting if they emanate from the competent Committee or the Government<sup>18</sup>.

*Article 47h*

The following may not be the object of a vote without debate procedure or a vote after limited debate procedure: Government and member’s bills dealing with revision of the Constitution, Institutional Acts, Government and member’s bills or bills granting and amnesty, finance Bills, Government bills covered by Article 38 of the Constitution, Government bills authorising the extension of a state of siege, Government and member’s bills relating to the electoral system in parliamentary assemblies and local assemblies, concerning the fundamental principles underlying the free administration of local authorities, their competences and resources, concerning the fundamental guarantees accorded to citizens in the exercise of public freedoms, or laws presented to the Parliament under the terms of paragraph 2 of Article 10 of the Constitution.

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<sup>18</sup> In its Decision of 7 November 1990, the Constitutional Council considered that: “these rules are not contrary to the Constitution as... there has been no change to the provisions of paragraph 7 of Article 44 of the Standing Orders whereby prejudicial and incidental motions may not be presented during the discussion of texts that have been placed on the priority agenda in line with paragraph 1 of Article 48 of the Constitution.”

## CHAPTER VIII - AMENDMENTS

### *Article 48*

1. – The Government and Senators shall be empowered to propose amendments and sub-amendments to texts that have been submitted for discussion before the Senate, or which are the object of a vote without debate procedure.

2. – Amendments and sub-amendments shall be restricted to those that are put in writing and have been signed by one of the authors and tabled with the Senate Bureau. A Senator may not, on an individual basis or as a member of a Political Group, be the signatory or a co-signatory of several identical amendments or sub-amendments. Amendments and sub-amendments must include a brief reasoning. They shall be communicated by the President to the competent Committee, and printed and distributed. However, failure to print and distribute an amendment or sub-amendment shall not prevent it being discussed in a public sitting.

3. – Amendments are only admissible if they relate directly to the text with which they are associated or, in the case of additional Articles, if they are not deprived of any link with the objective of the text under discussion. Sub-amendments are only admissible if they do not have the effect of contradicting the meaning of the amendments to which they refer.

3a. – Except for provisions that specifically concern them, sub-amendments shall be governed by the same rules of admissibility and discussion as amendments<sup>19</sup>.

4. – In strongly contested cases other than those referred to in Article 45, the issue of the admissibility of amendments and sub-amendments shall be presented, before they are discussed, for a decision by the Senate. An opportunity to speak shall only be given to the author of the amendment, a speaker against and the Committee (five minutes each) and the Government. No explanation of the vote shall be allowed.

### *Article 49*

1. – Amendments shall be discussed after the text that they seek to modify has been discussed, and shall be voted on before a vote is taken on the text.

2. – When amendments contradict one another, and in the absence of a contrary decision by the Chairmen's Conference, they shall be the subject of a joint debate; at the end of this discussion, they shall be voted on in the following order: deletion amendments followed by other amendments starting with those

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<sup>19</sup> *A new paragraph arising from the Resolution of 20 May 1986, and declared compliant with the Constitution by the Constitutional Council in its Decision of 3 June 1986: "Considering that the right of sub-amendment cannot be dissociated from the right of amendment given to Members of Parliament and members of the Government by paragraph 1 of Article 44 of the Constitution, the provision introduced by the Resolution in Article 48 of the Standing Orders complies with the Constitution, and should not allow the Government to challenge the genuine exercise right of amendment of Members of Parliament provided for in Article 44 of the Constitution."*

that depart furthest from the proposed text, and in the order that they oppose, overlap and complement one another. However, if the Senate has adopted a motion of precedence or a reserve, under the conditions set out in paragraphs 6 and 8 of Article 44, the order of speaking shall be modified accordingly.

3. If the Senate discusses a Committee's report and the conclusions contained in the report raise a preliminary question, they shall take priority over amendments dealing with the substance of the issue under discussion.

4. – The President shall only submit amendments and sub-amendments tabled with the Senate Bureau for discussion in a public sitting.

5. – The Senate shall not discuss an amendment unless it is supported in the debate. After the debate has opened, the Government may oppose the examination of any amendment that has not previously been submitted to the Committee.

6. – Opportunities to speak on each amendment, other than explanations of the vote, may only be offered to one of the signatories, the Government, the Chairman or *Rapporteur* of the Committee and a Senator with a contrary view. The signatory of the amendment shall have five minutes to describe the basis of the amendment, and the speaker with the contrary view shall have the same amount of time. Explanations of the vote shall be allowed for a period not exceeding five minutes.

6a. – An amendment that is withdrawn by the author after discussion has commenced may be taken up by a Senator who is not a signatory. Discussion shall resume from the point it had reached.

7. – When the Committee believes that certain amendments could, if they were adopted, have the effect of profoundly changing the whole of the text being discussed by the Senate, it may ask for them to be remitted to it for new examination. In these circumstances, remittance is a matter of right. The Committee must present its conclusions during the same sitting, except by agreement with the Government.

#### *Article 50*

At the request of the Committee concerned, the Chairmen's Conference may decide to fix a deadline for the tabling of amendments. The decision of the Chairmen's Conference shall appear on the agenda.

## CHAPTER IX - WAYS OF VOTING

### *Article 51*

1. – Except when the agenda is being drawn up, an absolute majority of members of the Senate must be present within the confines of the *Palais du Luxembourg* for any vote to be deemed valid, except when it concerns fixing the agenda.
2. – A vote shall be valid, irrespective of the number taking part, if, before it takes place, the Bureau has not been asked to record the number present or, after being asked to do so or after drawing up such a record, it has announced that the Senate is quorate for voting.
  - 2a. – The Bureau may only be asked to draw up a register of the number present following a written request from thirty Senators whose presence must be confirmed by a roll call<sup>20</sup>.
3. – If a vote cannot be taken because of the absence of a quorum, it shall be put back on the agenda for the same day of sitting and may not take place for at least an hour. The vote shall then be valid irrespective of the number taking part.

### *Article 52*

1. – Votes in the Senate must be passed by an absolute majority of votes cast.
2. – However, if the Senate votes on personal appointments in a plenary sitting, and if an absolute majority of votes cast has not been achieved in the first or the second ballot, a relative majority shall suffice on the third ballot. In the event of a tied vote, the oldest shall be appointed.
3. – The provisions set out in paragraph 2 of this Article shall apply to personal appointments made on Committees.

### *Article 53*

The Senate shall vote by a show of hands, by a sitting or standing vote, in an ordinary public ballot or in a public ballot at the rostrum.

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<sup>20</sup> A new paragraph arising from the Resolution of 20 May 1986, and declared compliant with the Constitution by the Constitutional Council in its Decision of 3 June 1986: “Considering that this new provision, which does not seek to abolish the requirement for a quorum but only relates to the conditions under which verification of a quorum may be requested, is not contrary to any provision of the Constitution; that it furthermore does not prevent the President, by virtue of the powers that he/she has under paragraph 2 of Article 33 of the Standing Orders, from conducting such a verification, if appropriate.”

*Article 54*

1. – Voting by a show of hands shall be mandatory on all questions except personal appointments and for matters where a public ballot is compulsory.
2. – It shall be recorded by the Secretaries and announced by the President.
3. – If the Secretaries believe there is doubt, or if they disagree, the exercise shall be repeated by a sitting or standing vote. If the doubt or disagreement continues, an ordinary public ballot shall be taken.

*Article 55<sup>21</sup>*

No one may speak between ballots.

*Article 56*

1. – Ordinary public ballots shall take place in accordance with the following rules:
2. – The President shall announce that the vote has commenced when the Secretaries are ready to gather up the ballot papers.
3. – Senators voting ‘for’ shall hand a white ballot paper to the Secretary standing at the entrance to the right-hand corridor of the Chamber.
4. – Senators voting ‘against’ shall hand a blue ballot paper to the Secretary standing at the entrance to the left-hand corridor of the Chamber.
5. – Senators who abstain shall hand a red ballot paper to the Secretary standing in the centre of the Chamber.
6. – In all three cases, the Secretaries shall place the ballot papers in the urn next to them.
7. – The President shall announce that the voting exercise has been completed when he/she sees that all the Senators who indicated that they would take part have done so.

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<sup>21</sup> *A new wording arising from the Resolution of 21 June 1972, and declared compliant with the Constitution by the Constitutional Council (Decision of 28 June 1972), subject to the following comments: “Considering that the provisions of Article 55, in the wording given to them under the terms of the afore-mentioned Resolution of 21 June 1972, must also be deemed to be compliant with the Constitution, subject however to them not impeding the application of the provisions of paragraph 1 of Article 31 of the Constitution, whereby members of the Government shall be heard by the assemblies when they ask to do so.”*

### *Article 56a*

1. – In the event of a public ballot at the tribune, all Senators shall be called by name by the ushers. Those whose names begin with a letter that has been previously drawn by lots by the President and published shall be invited to procede first.
2. – This initial roll call shall be followed by another call of Senators who have not responded to their names being called.
3. – Senators shall hand their ballot papers to the Secretary standing by the tribune; the Secretary shall place the paper in one of the three urns next to him/her.
4. – Secretaries shall then count the names of those voting.

### *Article 57*

Senators who have been delegated to vote by one of their colleagues must hand the Secretary standing next to the urn a receipt of the notification whereby the President of the Senate shall notify the Bureau's agreement on the reasons for the impediment.

### *Article 58*

1. – After consulting the Secretaries, it shall be the President's responsibility to decide whether there are grounds for counting the ballot papers.
2. – Senators who have handed in ballot papers of different colours shall be deemed not to have taken part in the vote.

### *Article 59*

Ordinary public ballots are mandatory for the whole of:

1. the first part of the year's Finance Bill;
2. Finance Bills, subject to the provisions of paragraph 3 of Article 60a;
3. Organic Laws ;
4. Government and member's bills revising the Constitution;
5. proposals referred to in Article 11 of the Constitution.

### *Article 60*

If an ordinary public ballot is not mandatory, or if it arises from the provisions of Article 54, it may only be requested by the Government, the President, one or

more Chairmen of Groups, the Referrall Committee, or thirty Senators whose presence must be confirmed by a roll call.

#### *Article 60a*

1. – A public ballot at the rostrum shall take place if the Chairmen’s Conference decides that this way of voting will be applicable to a vote on the whole of a Government or member’s bill.
2. – The decision of the Chairmen’s Conference must be announced in a public sitting and communicated to each Senator. It must also appear on the agenda.
3. – Public ballot at the rostrum shall also be mandatory for votes on the first reading of the whole of the year’s Finance Bill and on approval of a Statement of General Policy requested by the Government under the final paragraph of Article 49 of the Constitution.

#### *Article 61*

1. – Subject to the provisions of Article 3 dealing with the appointment of Secretaries, appointments in plenary assembly and on Committees shall take place in secret ballot.
2. – In the case of appointments made in plenary assembly, the Senate shall decide that the vote should take place as follows:
3. – After consulting the Senate, the President shall announce the time at which the vote will commence, and how long it will last;
4. – An urn shall be placed in one of the rooms adjacent to the Chamber under the supervision of one of the Secretaries assisted by two Tellers;
5. – Each Senator shall place his/her ballot paper in the urn during the sitting, which shall not be adjourned for the vote. The Tellers shall place a mark next to the name of those voting;
6. – The Secretaries shall count the votes, and the President shall announce the result.

#### *Article 62*

1. – Bills subject to a vote shall only be declared adopted if they have obtained an absolute majority of votes cast. In the event of a tied vote, the bill that has been put to the vote shall not be adopted.
2. – The result of the Senate’s deliberations shall be announced by the President as follows: ‘The Senate has adopted the bill’ (*Le Sénat a adopté*) or ‘The Senate has not adopted the bill’ (*Le Sénat n’a pas adopté*).

## CHAPTER X - PROXY VOTING<sup>22</sup>

### *Article 63*

Senators may only delegate their right to vote in the following circumstances:

1. illness, an accident or a serious family misfortune preventing a Senator from attending;
2. a temporary mission entrusted to him by the Government;
3. military service in peacetime or wartime;
4. participation in the work of an international assembly by virtue of a Senate appointment;
5. absence from the mainland of France (in the event of an extraordinary session);
6. by order of the Bureau of the Senate (cases of *force majeure*).

### *Article 64*<sup>23</sup>

1. – The signed delegation must be written and addressed by the delegator to the delegate. This document will be valid for votes both in a public sitting and on Committees.
2. – For a delegation to be valid, it must be notified to the President of the Senate before the beginning of the vote, or before the beginning of the first of the votes in which the Senator concerned cannot participate. The notification must indicate the name of the Senator called to vote on behalf of the delegator and the reason for the impediment, which shall be assessed by the Bureau. In addition, both the delegation and the notification must indicate the duration of the impediment: if they do not, the delegation shall be deemed to be of eight days' duration. Unless it is renewed within this period of time, it shall lapse at the end of it.
3. – The delegate shall be informed by the President that the notification has been received and that the Bureau has agreed to it.

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<sup>22</sup> Under Article 47 of the Constitution: "...no member shall be given more than one proxy."

<sup>23</sup> A new wording arising from the Resolution of 25 April 1973 and the Constitutional Council's Decision of 17 May 1973 as follows: "Considering that paragraph 1 of Article 4 of the aforementioned Resolution provides paragraph 1 of Article 64 of the Standing Orders a reading whereby proxy voting is not valid for secret ballots; that Article 1 of Ordinance n° 58-1066 of 7 November 1958 on the Organic Law exceptionally permitting Parliamentarians to delegate their right to vote in no way restricts to the authorisation conferred on Parliamentarians to delegate their right to vote in cases that the Ordinance lists; and that the provision whereby proxy voting is not valid for secret ballots therefore does not comply with Article 27 of the Constitution under which the aforementioned Ordinance was promulgated."

4. – Voting delegation may be withdrawn following the same procedure while the application period is in progress.

5. – The proxy vote may not be transferred by the delegate to another Senator.

6. – In an emergency, the delegation and notification may be carried out by telegram, subject to immediate confirmation following the procedure set out above. In these circumstances, the delegation shall cease to have effect after five working days from the day that the telegram is received if a letter of confirmation signed by the delegator is not received by the President of the Senate during this period.

7. – The provisions of paragraphs 2 to 6 above shall apply in all cases, whether they relate to proxy voting in ballots in public session or to votes on Committees.

## **CHAPTER XI - RELATIONSHIPS OF THE SENATE WITH THE GOVERNMENT AND THE NATIONAL ASSEMBLY**

### *Article 65*

1. – Any Government bill that is voted on by the Senate, but which does not become definitive, shall be sent immediately to the Government by the President of the Senate. If a Government bill is rejected, the President shall inform the Government accordingly.

2. – Any member's bill that is voted on by the Senate, but which does not become definitive, shall be transmitted immediately by the President of the Senate to the President of the National Assembly. The Government shall be informed that this has been done. In the event of the rejection of a member's bill that has been transmitted by the National Assembly, the President shall inform the President of the National Assembly and the Government of this.

3. – If the Senate adopts a Government or member's bill voted on by the National Assembly without amendment, the President of the Senate shall send the final text to the President of the Republic for it to be promulgated by the Government's General Secretariat. The President of the National Assembly shall be informed that this has been done.

### *Article 66*

Communications from the Senate to the Government shall be sent by the President to the Prime Minister.

### *Article 67*

1. – Any motion seeking to submit to referendum a Government bill dealing with issues defined in Article 11 of the Constitution must be signed by at least thirty Senators whose presence must be confirmed by a roll call. It may neither be subject to any condition nor include any amendment to the bill.
2. – Under a dispensation from the provisions in Article 29, such a motion shall be discussed in the first public sitting after it has been tabled.
3. – Closure of the discussion may be announced under the procedure set out in Article 38 of the Standing Orders.

### *Article 68*

1. – Adoption by the Senate of a motion leading to a referendum shall adjourn discussion of the Government bill if it has already commenced.
2. – An adopted motion shall be transmitted immediately to the President of the National Assembly together with the text to which it refers.
3. – By agreement between the two Assemblies, the deadline for adoption of the motion shall be fixed at thirty days. If the National Assembly does not adopt the motion within this time, discussion shall resume before the Senate at the point where it was interrupted. No new motion on the same Government bill shall be admissible thereafter.
4. – The thirty-day deadline shall be adjourned outside ordinary sessions. It shall also be curtailed if insertion on the agenda of discussion of the motion in the National Assembly is prevented by application of the procedure set out in Article 48 of the Constitution.

### *Article 69*

1. – If a motion leading to a referendum is referred to the Senate by the National Assembly, it shall be remitted immediately to the Committee that had the proposal referred to it.
2. – Discussion on this motion shall be placed on the agenda of the next possible sitting. The Senate shall give a ruling under the deadline procedure set out in Article 68.

#### *Article 69a<sup>24</sup>*

1. – Subject to the provisions of this Article, any motion under Article 72-4 of the Constitution calling on the President of the Republic to consult the electorate in an overseas territory shall be governed by the same rules as those set out in these Standing Orders for draft resolutions.

2. – If the Senate adopts a motion tabled by one or more Senators, or amends a motion transmitted by the National Assembly, the President of the Senate shall transmit the text to the President of the National Assembly.

3. – If the Senate adopts a motion forwarded to it by the National Assembly without amendment, the President of the Senate shall send the final text to the President of the Republic through the Government's General Secretariat. The President of the National Assembly shall be informed that this has been done.

#### *Article 70*

1. – Joint Committees shall meet when summoned by the oldest member of the Committee, on the premises either of the National Assembly or the Senate, alternately and case-by-case.

2. – They shall themselves determine the composition of their Bureau.

3. – In their work, they shall follow the normal rules that apply to Committees. If the Standing Orders of the two assemblies differ, that of the assembly where the Committee sits shall prevail.

4. – The conclusions of the work of Joint Committees shall be the subject of printed reports distributed in each of the assemblies, and shall be communicated officially to the Prime Minister through the good offices of their Presidents.

#### *Article 71*

Examination of a text that has been referred to the Senate shall be adjourned if the Government announces that it intends to call a meeting of a Joint Committee on this matter.

#### *Article 72*

1. – If a text drawn up by a Joint Committee is submitted to the Senate by the Government, the Senate shall examine it following the normal procedure subject to the provision of paragraph 3 of Article 3 of the Constitution and paragraph 12 of Article 42 of these Standing Orders.

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<sup>24</sup> *In its Decision of 18 May 2004, the Constitutional Council considered that: “these provisions... shall be understood as also applying to motions based on the final paragraph of Article 73 of the Constitution”.*

2. – The Referrall Committee of a Government or member’s bill shall be competent to give an opinion on amendments admissible under paragraph 1 of this Article, or to call for an ordinary public vote under Article 60.

*Article 73*

The Senate shall issue authorisations referred to in Articles 35 and 36 of the Constitution<sup>25</sup> under the procedure set out in the final paragraph of Article 49 of the Constitution.

**CHAPTER XI-A - EUROPEAN RESOLUTIONS**

*Article 73a*

1. – Government and other bills and documents submitted to the Senate under Article 88-4 of the Constitution shall be tabled with the Bureau of the Senate and distributed.

2. – The Senate Delegation for the European Union shall ensure compliance with Article 88-4 of the Constitution. To this end, if the Delegation believes that the Government has not tabled with the Bureau a text that it thinks should be submitted to the Senate, the Delegation shall inform the President of the Senate, who shall in turn call on the Government to submit this text to the Senate. Any Standing Committee may also notify the President of the Senate to this end.

3. – Subject to the provisions of this Article, draft resolutions tabled under Article 88-4 of the Constitution shall be governed by the same rules as those set out in these Standing Orders for other draft resolutions.

4. – The Delegation for the European Union shall examine texts submitted to the Senate under the terms of Article 88-4 of the Constitution; this may result in draft resolutions being tabled.

5. – The President of the Delegation or his/her representative may participate in the work of the competent Committee on a consultative basis.

6. – After the deadline that it has fixed for the tabling of amendments has passed, the competent Committee shall examine the draft resolution together with amendments that have been submitted to it by Senators, the Referall Committee or committee(s) asked for an opinion, and the Delegation for the European Union. If the amendments have been signed by several Senators, they shall be presented before the Committee by one of the signatories who is a member of it or, if there are no such signatories, by the first signatory.

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<sup>25</sup> *These articles concern declaration of war and martial law.*

7. – The Committee’s report, which may include the draft resolution that it has adopted, shall be printed and distributed.

8. – A draft resolution from the Committee becomes a Senate resolution ten working days after the date for the distribution of the report unless, during this period, a request that it should be examined by the Senate is made by the President of the Senate, the Chairman of a political Group, the Chairman of a competent Committee or a Committee asked for an opinion, the Chairman of the Delegation for the European Union, or the Government.

9. – If a decision on drawing up the agenda has been taken, the Delegation for the European Union may exercise competences attributed to the Committees for an opinion.

10. – If, during the fifteen working days following this request, the Chairmen’s Conference does not propose placing it on the agenda, and the Senate does not decide to do so, the Committee’s draft resolution shall become the resolution of the Senate.

11. – Senate resolutions adopted under the terms of this Article shall be transmitted to the Government and to the National Assembly.

## **CHAPTER XII - WRITTEN AND ORAL QUESTIONS**

### ***A. - QUESTIONS FOR A WRITTEN ANSWER***

#### *Article 74*

1. – Any Senator wishing to table a written question for the Government shall send the text to the President of the Senate, who shall in turn forward it to the Government.

2. – Questions for a written answer must be brief and to the point and must contain no personal allegation relating to third parties identified by name. They may only be tabled by one Senator, and addressed to one Minister. The admissibility of written questions with regard to these conditions falls under the procedure set out in Article 24, paragraph 4 of the present Standing Orders.

#### *Article 75*

1. – Questions for a written answer shall be published both during sessions and outside sessions in the *Journal officiel*; Ministers’ replies must also be published there within a month after the tabling of the question.

2. – However, Ministers shall also be empowered to state in writing that public interest prevents them from replying. Exceptionally, they may request an

extended deadline to put together the main features of their response; this extension may not exceed one month.

3. – Any question for a written answer which has received no reply within the deadlines set out above shall be converted into an oral question if its author so requests. It shall occupy a position on the list of oral questions. The question shall also be placed on the list of questions on the date on which the request for conversion was made.

*b) - QUESTIONS ON CURRENT ISSUES ADDRESSED TO THE GOVERNMENT*

*Article 75a*

Twice a month, the Senate agenda shall include questions for the Government on current issues. The Chairmen's Conference shall announce the distribution of the number of these questions among the political Groups and the non-aligned Senators, taking account of their numbers, and shall determine how they are to be tabled and the procedure to be followed during a sitting.

*B. - ORAL QUESTIONS*

*Article 76*

1. – Any Senator wishing to table an oral question for a Minister shall send the text to the President of the Senate, who shall in turn forward it to the Government.

2. – Oral questions must be brief and to the point, and must contain no personal imputation relating to third parties identified by name. They may only be tabled by one Senator and addressed to one Minister. Those dealing with the Government's general policy shall be addressed to the Prime Minister. The admissibility of these questions with regard to the previous procedures shall be assessed in the procedure set out in paragraph 4 of Article 24.

3. – Oral questions shall be placed on a special list in the order in which they were tabled, and shall be published under the conditions set out in Article 75.

*Article 77*

1. – The morning of the Tuesday sitting shall be reserved as a matter of priority for oral questions. The Chairmen's Conference may defer application of the priority provisions of paragraph 2 of Article 48 of the Constitution to another sitting day.

2. – A decision on placing oral questions on the agenda for the day of this sitting shall be made by the Chairmen's Conference in the light of the list set out in paragraph 3 of Article 76.

3. – Only questions tabled at least eight days before this sitting may be placed on the agenda.

#### *Article 78*

1. – The President shall call for questions in the order determined by the Chairmen's Conference. He/she shall announce the number of the tabled question, the name of the author and its short title, and shall identify the member of the Government to whom it is addressed.

2. – The author of the question, or one of his/her colleagues appointed by him/her to substitute for him/her, shall have three minutes to develop their argument. He/she may also speak for a period not exceeding two minutes to answer the Government.

3. – If the author of the question and his/her substitute are absent when the question is called, the question shall automatically be placed further down the list.

4. – If the Minister concerned is absent, the question shall be placed on the agenda of the next sitting when oral questions will be called.

5. – At the request of thirty Senators, whose presence must be confirmed by a roll call, an oral question that has been given an answer may, on a decision of the Senate, be transformed into an oral question with debate: this shall be automatically placed at the top of the agenda of the next possible sitting of the Senate.

#### ***C. – ORAL QUESTIONS WITH DEBATE***

#### *Article 79*

1. – Any Senator wishing to ask the Government an oral question followed by a debate shall send the President of the Senate the text accompanied by a request for debate.

2. – Oral questions followed by a debate must be brief and to the point and must contain no personal imputation relating to third parties identified by name. The admissibility of these questions with regard to these conditions falls under the procedure set out in paragraph 4 of Article 24.

3. – The President shall inform the Government of this request immediately. He/she shall also inform the Senate of the text of the question and of the request for a debate on the first sitting day after the request has been tabled.

4. – Oral questions with debate may only be tabled by one Senator and addressed to one Minister. Those dealing with the Government's general policy shall be addressed to the Prime Minister.

### *Article 80*

1. – The date for the discussion of oral questions with debate shall, on the proposal of the Chairmen’s Conference, be determined by the Senate either for the same sitting as for oral questions or for another sitting.
2. – However, upon a written request from the author of the question submitted at the same time as the question and countersigned by thirty members whose presence must be confirmed by a roll call, the Senate may, if it has been informed of the question at once by the President, decide by a sitting or standing vote, and without debate, to fix the date of discussion immediately after Government and member’s bills placed as priority issues on the agenda of the sitting have been examined.
3. – The Senate shall determine the date without debate on the substance, after hearing the Government, if appropriate.
4. – When fixing dates, no intervention may exceed five minutes. The opportunity to speak may only be extended to the author of the question or a colleague designated by him/her to substitute for him/her, each Group President or his/her representative, and the Government.
5. – If the Senate decides to defer debate on an oral question, the author of the question shall retain the right to table it in the form of an oral question without debate.

### *Article 81*

*(Repealed by the Resolution of 21 November 1995)*

### *Article 82*

1. – The author of the question may speak for twenty minutes in the debate on an oral question. The Chairmen’s Conference may also decide:
  - that the provisions of Article 29-1 shall apply to subsequent speakers, or
  - to grant ten minutes’ speaking time to one speaker per political Group; the author of the question and speakers from each Group shall have five minutes to reply to the Government.
2. – The right to speak in order to develop the argument shall be a personal matter for the author, but he/she may designate one of his/her colleagues to substitute for him/her in the event of impediment.
3. – *Repealed by the Resolution of 21 November 1995.*

*Article 83*

After the last speaker has been heard, the President shall proceed with the agenda.

***D. – ORAL QUESTIONS WITH DEBATE ON EUROPEAN MATTERS***

*Article 83a*

1. – Oral questions with debate dealing with European matters shall be tabled in line with the procedure set out in Article 79; they must focus on a precise European issue and must be addressed to the competent Minister.

2. – The date for discussing them shall be determined under the procedure set out in paragraphs 1, 3 and 4 of Article 80.

*Article 83b*

1. – The opportunity to speak in the debate on an oral question dealing with European matters shall only be given to the author of the question, a Senator representing the Delegation for the European Union, a Senator representing the competent Standing Committee, the Government, and to one representative from each political Group. Subject to the agreement of the Chairmen's Conference, a Senator representing the Foreign Affairs, Defence and Armed Forces Committee may also speak if it is deemed competent to participate in the debate.

2. – Each Senator may speak for ten minutes. The Government shall be given an opportunity to speak if it so requests, and without a limit on how long it may do so.

## CHAPTER XIII - ELECTION OF COMMUNITY SENATORS

### *Article 84*

*(Repealed by the Resolution of 22 April 1971)*

## CHAPTER XIV - HIGH COURT OF JUSTICE AND COURT OF JUSTICE OF THE REPUBLIC

### *Article 85*

1. – After each partial renewal, the Senate shall elect twelve titular judges and six substitute judges to the High Court of Justice. The Chairmen's Conference shall fix the date of the vote.
2. – The secret plurinominal vote for the election of the titular and substitute members shall be conducted by separate ballots.
3. – Candidacies shall be set out in declarations to the President by a deadline determined by the Chairmen's Conference.
4. – In each round of voting ballot and in the order of the votes, candidates who have won a number of votes at least equal to the absolute majority of votes cast shall be elected.
5. – In the case of the titular and substitute judges, there shall be as many ballots as necessary until all the seats have been allotted.
6. - In the event of a tied vote on the last seats to be awarded, candidates shall be proclaimed elected in order of age, starting with the oldest, until all the seats have been allotted.

### *Article 86*

1. – No draft resolution dealing with an indictment before the High Court of Justice shall be admissible unless it is signed by at least one tenth of the members of the Senate.
2. – The Bureau of the Senate shall, as a matter of course, give a ruling on the inadmissibility of draft resolutions that run counter to the provisions of paragraph 1 of this Article, or which do not conform to Article 18 of Ordinance n° 59-1 of 23 January 1959 dealing with the Organic Law on the High Court of Justice.
3. – The draft resolutions referred to above and declared admissible by the Bureau and those transmitted by the President of the National Assembly shall be remitted to a thirty-member Committee specially elected to examine them by plurinominal vote. Candidacies must be set out in declarations to the President one hour before the vote.

*Article 86a*

1. – After each partial renewal, the Senate shall elect six titular judges and six substitute judges to the Court of Justice of the Republic. The Chairmen’s Conference shall determine the date of the vote.
2. – Candidacies must be set out in a declaration to the President by a deadline determined by the Chairmen’s Conference.
3. – This shall be followed by a single, secret, plurinominal vote. The name of a substitute candidate shall be linked to that of each titular candidate.
4. – In each round of voting ballot, and in the order of the votes, candidates who have won a number of votes at least equal to the absolute majority of votes cast shall be elected. There shall be as many ballots as are necessary to fill all the seats. Only votes cast for the same titular and substitute candidate count.
5. - In the event of a tied vote, candidates shall be proclaimed elected in order of age, starting with the oldest, until all the seats have been allotted.

**CHAPTER XV - PETITIONS**

*Article 87*

1. – Petitions must be addressed to the President of the Senate. They may also be tabled by a Senator who notifies the tabling of the petition, and signs this notification.
2. – A petition brought to the Senate or transmitted there by a gathering on the public highway may not be accepted by the President or tabled with the Bureau.
3. – All petitions must contain the petitioner’s home address and be signed by him/her.

*Article 88*

1. – Petitions shall be placed on a general list in the order in which they arrive.
2. – The President shall send them on to the Committee for Constitutional Acts, Laws, Legislation, Universal Suffrage, Standing Orders and General Administration.
3. – The Committee shall, depending on the circumstances, decide whether to send them to the Minister or another Senate Committee, to ask the President of

the Senate to forward them to the Mediator of the Republic, or simply to file them.<sup>26</sup>

4. – Petitions on which the Committee for Constitutional Acts Laws, Legislation, Universal Suffrage, Standing Orders and General Administration has not given a ruling shall lapse automatically at the beginning of the ordinary session following the one in which they were tabled. Petitions tabled between ordinary sessions shall, for the purposes of calculating deadlines for lapsing, be put back to the first day of the ordinary session after the day on which they were tabled.

5. – The petitioner shall be informed of the order in which the petition has been placed and, if appropriate, of the decision taken on it.

#### *Article 89*

1. – An order paper containing summaries of petitions and decisions shall be periodically distributed to members of the Senate.

2. – Any Senator may request that the report into a petition be considered in a public sitting in the fortnight that follows the report's publication.

3. – After this deadline has passed, the Committee's decisions shall be deemed definitive, and they shall be published in the *Journal officiel*.

4. – The responses of Ministers to petitions addressed to them under paragraph 3 of Article 88 together with those of the Mediator shall be included in the folder of petitions and published in the *Journal officiel*.

#### *Article 89a*

1. – If the Committee decides to submit a petition to the Senate under paragraph 3 of Article 88, or if the Chairmen's Conference ratifies a request presented under paragraph 2 of Article 89, the Committee shall draw up a report containing the entire text of the petition and setting out the reasons for the conclusions reached on the matter. The report shall be printed and circulated.

2. – The Committee's discussion of the report shall be placed on the agenda under the provisions of Article 29.

3. – The debate shall open with the *Rapporteur's* presentation followed by contributions from listed speakers.

4. – During the debate, the Senate may receive from the representative of a Committee or from any Senator a request for the petition to be remitted to the

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<sup>26</sup> Article 6 of Law n° 73-6 of 3 January 1973 installing a Mediator of the Republic provides, in the final paragraph, that: "[at] the request of one of the six Committees in his assembly, the President of the Senate or the President of the National Assembly may also send the Mediator of the Republic any petition that his assembly has had referred to it".

competent Standing Committee. At the end of the debate, the petition shall be put to the vote by the President after discussion during which the opportunity to speak will only be offered to the author of the initiative or his/her representative, representatives of the Committees concerned, a speaker with a contrary view and, if appropriate, the Government. Explanations of votes shall be allowed for a period not exceeding five minutes.<sup>27</sup>

5. – If no request for remittance is presented, the President shall declare the debate closed after the last speaker has been heard.

6. – The Committee to which a petition has been remitted under paragraph 4 above may, at the end of the examination, send it to a Minister, file it, or ask the President of the Senate to forward it to the Mediator.

## CHAPTER XVI - THE SENATE'S INTERNAL AND EXTERNAL POLICING

### *Article 90*

1. – The President shall be responsible for overseeing the Senate's internal and external security. To this end, he/she shall determine the strength of the military forces he/she believes to be necessary. These military forces shall follow his orders.

2. – Police powers in the Senate fall under the authority of the President.

### *Article 91*

1. – Except for those carrying passes granted to this effect by the President and for staff performing their duties, no one may enter the Chamber for any reason.

2. – Members of the public admitted to the galleries shall be seated and bare-headed, and shall remain silent.

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<sup>27</sup> A new wording arising from the Resolution of 29 April 1976 and the Constitutional Council's Decision of 2 June 1976 as follows: "Considering that Article 89a of the Senate Standing Orders in the wording given in the aforementioned Resolution is not contrary to any provision of the Constitution, except for the phrase 'this request may be reasoned' in paragraph 4 of the Article;

*"Considering that nothing in this text impedes a reasoned request to remit a petition to a Standing Committee (a request on which the Senate would be called upon to give a ruling) tends to direct or monitor Government action in conditions not provided for by the Constitution or seeks to establish a way of exercising Parliamentarians' right to initiate legislation, in conditions other than that of exercising this right shall be defined and restricted in respect of the provisions of Articles 34, 40 and 41 of the Constitution."*

*The words "this request may be reasoned", which appeared after the first sentence in paragraph 4, have accordingly been declared non-compliant with the Constitution by the Constitutional Council.*

3. – Anyone giving indications of approval or disapproval shall be removed immediately by the ushers charged with maintaining order.

4. – Anyone disrupting debates shall, if appropriate, be brought before the competent authority.

## **CHAPTER XVII - DISCIPLINE**

### *Article 92*

The disciplinary penalties applicable to members of the Senate are:

- a call to order;
- a call to order registered in the record;
- censure;
- censure with temporary exclusion.

### *Article 93*

1. – Only the President may call a member to order.

2. – A call to order may be issued to any speaker who is disorderly, or who is disruptive either by infringing the rules of the Standing Orders set out in Article 40 or in any other way.

3. – Any Senator who has not been permitted to speak and is called to order shall not be able to speak to justify himself/herself until the end of the sitting, unless the President decides otherwise.

4. – Any Senator who incurs the first call to order in a given sitting shall be given a call to order registered in the record.

### *Article 94*

A censure is issued to any Senator who:

1. following a call to order registered in the record, does not comply with the injunctions of the President;
2. is disruptive in the Senate;
3. directs abuse, provocation or threats to one or more colleagues;

4. is guilty of breaching the rules set out in Article 99 of these Standing Orders.

#### *Article 95*

1. – A censure with temporary exclusion from the Senate’s premises in the *Palais du Luxembourg* shall be issued against any Senator who:

1. ignores the basic censure or has received this punishment twice;
2. has resorted to violence in a public sitting;
3. is guilty of insulting the Senate or the President of the Senate;
4. is guilty of abuse, provocation or threats against the President of the Republic, the Prime Minister, and members of the Government and of assemblies provided for in the Constitution;
5. after being censured for breaching the rules set out in Article 99 of these Standing Orders, is guilty of a further breach of these rules.

2. – Censure with temporary exclusion leads to a ban on taking part in the work of the Senate, and on entering the Senate’s premises in the *Palais du Luxembourg* for a fortnight after the punishment is announced.

3. – If the Senator refuses to comply with the injunction from the President to leave the Senate, the sitting shall be adjourned. In these circumstances, and also where censure with temporary exclusion is applied to a Senator for the second time, the exclusion shall be extended to thirty legislative days.

#### *Article 96*

1. – Simple censure and censure with temporary exclusion shall be declared, at the President’s proposal, by the Senate voting by sitting or standing, and without debate.

2. – A Senator against whom one of these sanctions has been sought always has the right to be heard, or to have one of his/her colleagues speak on his/her behalf.

#### *Article 97*

1. – Simple censure leads automatically to the Senator losing a third of his/her Parliamentary pay and all of his/her allowance for a month.

2. – Censure with temporary exclusion automatically leads to the Senator losing a third of his/her Parliamentary pay and all of his/her allowance for two months.

#### Article 98

1. – If a Senator commits a criminal act within the confines of the *Palais du Luxembourg* while the Senate is sitting, the deliberation taking place shall be adjourned. When the sitting reconvenes, the President shall inform the Senate of what has occurred.
2. – If the criminal offence referred to in paragraph 1 is committed when a sitting has been adjourned, or after a sitting has ended, the President shall inform the Senate when the sitting reconvenes or at the beginning of the next sitting.
3. – The Senator shall be permitted to explain himself/herself if he/she so requests. On the order of the President, he/she shall be forced to leave the Chamber and to be held in the *Palais du Luxembourg*.
4. – If the Senator resists, or if there is unruly behaviour in the Senate, the President shall terminate the sitting immediately.
5. – The Bureau shall immediately inform the Chief Public Prosecutor (*Procureur général*) that an offence has been committed on the Senate's premises in the *Palais du Luxembourg*.

#### Article 99

Any Senator who uses his/her title for reasons other than the exercise of his/her mandate shall be liable to penalties set out in Articles 94 and 95. These disciplinary sanctions differ from the measures set out in Article L.O 151 of the Electoral Code, which is applicable to Senators under Article L.O 297 of the same Code.

#### Article 100

1. – Any member of a Committee of Inquiry who does not comply with the provisions of Paragraph IV of Article 6 of Ordinance n° 58-1100 of 17 November 1958 relating to the non-public work of a Committee may be excluded from the Committee by a decision of the Senate without debate on the Committee's report after hearing the individual concerned.
2. – An exclusion issued under paragraph 1 of this Article shall mean that the Senator against whom such a decision has been taken will not be able to be a member of any Committee of Inquiry for the remainder of his/her mandate.

## CHAPTER XVIII - **SENATE SERVICES AND ACCOUNTANCY**

### *Article 101*

1. – In legislative terms, the President is ultimately responsible for the management and oversight of all Senate Services.
2. – In administrative terms, authority over Services lies with the Bureau; management of the Services is the responsibility of the *Questeurs* under the control of the Bureau.

### *Article 102*

The Bureau shall, by an internal regulation, determine the organisation and functioning of Senate Services, the ways in which the various Services shall perform the duties prescribed by these Standing Orders, the statuses of staff, and relations between the Senate administration and organisations representing its personnel.

### *Article 103*

1. – The Senate's expenditure shall be regulated by financial year.
2. – At the opening of each ordinary session, the Senate shall, in accordance with the rule on proportionality between Political Groups, appoint a special Committee of ten members that shall be tasked with checking and balancing the accounts. All Political Groups must be represented on this Committee. The number of members may be increased to meet this requirement.
3. – Members of the Bureau of the Senate may not belong to this Committee.
- 3a. – Before the sitting of the Senate at which the Committee is appointed, the *Bureaux* of the Political Groups shall meet and then send the President of the Senate the list of candidates that they have drawn up. This list shall be adopted under the procedure set out in Article 8.
4. – The Bureau shall determine the rules applicable to the accounts by an internal regulation.
5. - *Repealed by the Resolution of 20 May 1986.*

## CHAPTER XIX - VARIOUS PROVISIONS

### *Article 104*

1. – At the first meeting of the Senate after each partial renewal, seats in the Chamber shall be allocated on a temporary basis.
2. – As soon as the lists of members of Political Groups has been published in accordance with Article 5, the President shall summon the representatives of Groups with a view to allocating seats on a permanent basis.
3. – Twenty-four hours prior to this meeting, members of the Senate who do not belong to any group and are unattached must inform the President which group they wish to sit with.

### *Article 105*

1. – A Committee consisting of thirty members shall be appointed whenever there are grounds for the Senate to examine a draft resolution tabled with a view to calling for the suspension of a Senator's arrest, measures restricting, or depriving him/her of his/her freedom, or of legal proceedings being taken against him/her.

When a Committee is being appointed, the President of the Senate shall determine the period wherein candidacies must be presented according to proportional representation. When this period of time has elapsed, the President of the Senate, the Chairmen of Political Groups and the delegate representing non-aligned Senators shall meet to draw up a list of members of the Committee. This list shall be published in the *Journal officiel*. The appointment shall take effect as soon as the issue of the *Journal officiel* is published.

2. – The Committee shall elect a Bureau consisting of a Chairman, a deputy Chairman and a Secretary, and shall appoint a *Rapporteur*.
3. – The Committee's conclusions must be tabled within three weeks of the members of the Committee being designated: they shall be placed on the Senate agenda by the Chairmen's Conference as soon as the Committee's report has been distributed.
4. – If asked to adjourn legal proceedings against a Senator who has been arrested or is the subject of measures restricting, or depriving him/her of his/her freedom, the Senate may only decide to suspend the custodial order or to suspend all or part of any others restrictions placed upon him/her.

*Article 106*

Senate deputations shall be appointed by drawing lots. The number of members making up these deputations shall be determined by the Senate.

*Article 107*

1. – Insignia shall be worn by Senators when they are travelling on official business, at public ceremonies or in any other circumstances where their status needs to be made known.

2. – The nature of the insignia shall be determined by the Bureau of the Senate.

*Article 108*

1. – Every year, Senators who are elected to represent France in the Consultative Assembly provided for in the Statute of the Council of Europe shall produce a written report of their work in the Assembly, and a written report of their work in the Assembly of the Western European Union.

2. – These reports shall be sent to the President of the Senate. If they do not achieve the unanimous support of the representatives, minority views shall be referred to in annexes.

3. – Reports and annexes shall be printed and distributed.

*Article 109*

1. – At least once a year, Senators appointed to sit on the extra-parliamentary bodies referred to in Article 9 shall present to the Committee with responsibility for appointing them or for proposing candidacies, a report on their activity in these bodies.

2. – This report shall be printed and distributed if the Committee so requests.

*Article 110*

1. – If the rules of a body compel to nominations in line with the proportional representation of Political Groups, the President of the Senate shall communicate to the Groups the distribution resulting from numbers calculated as provided for in paragraph 5 of Article 6, and shall determine the deadline by which the Chairmen of Groups must notify the names of the candidates they propose.

2. - Nominations shall then be made in accordance with the procedure set out in paragraphs 2-11 of Article 8.