

THE UNITED CHURCH MANUAL (2007)

APPENDIX III

THE RULES OF DEBATE AND ORDER

1. Presiding Officer

The function of the Presiding Officer is to preside, with all that that implies. The Presiding Officer should not attempt to control the decision of the Court, but may express opinions on any matter before the Court. If the Presiding Officer wishes to introduce a motion or to present a report, the Presiding Officer shall ask another member to preside, and while out of the Chair shall be an ordinary member of the Court and must not assume the chair until the matter is disposed of. The Presiding Officer does not vote except in the event of a tie.

2. Questions of Privilege and Order

(a) A point of order may be raised while a matter is pending or while another member has the floor. When a point of order is raised it must be dealt with by the Presiding Officer without debate. If a member has the floor when a point of order is raised by another member, that member must yield the floor until the Presiding Officer has made a ruling.

(b) Any member of the Court may appeal from a ruling of the Chair, but only at the time when the ruling is made. But where a ruling is a precedent the general question of its correctness may be brought up later when there is no business pending, but cannot then affect the business transacted under the ruling.

(c) When an appeal from a ruling is made, the Presiding Officer should state the point at issue, and may give reasons for the ruling. The Secretary shall then put the question in the following form: "Is the ruling of the Moderator (or such other title by which the Presiding Officer is known) sustained?" If the vote is a tie, the Presiding Officer is sustained. The Secretary shall declare the result.

3. Orders of the Day

(a) When an agenda has been adopted that does not specify the time for its items, such items are considered without time limit, unless the Court decides otherwise by a two-thirds (2/3) majority of those voting.

(b) When an agenda has been adopted that specifies the time for particular items, such time shall be strictly adhered to, unless the Court decides otherwise by a two-thirds (2/3) majority of those voting. A call for Orders of the Day requires no seconder.

4. Order of Priority on Motions

(a) To fix the time to adjourn.

(b) To adjourn.

(c) To take an immediate vote (two-thirds (2/3) vote required).

(d) To limit or extend limits of debate (two-thirds (2/3) vote required).

(e) To postpone definitely.

(f) To commit or refer.

(g) To amend.

(h) To postpone indefinitely.

(i) To deal with main motions.

5. Procedures on Motion

- (a) A member of the Court proposes a motion.
- (b) It is seconded. If there is no seconder, the motion fails.
- (c) When the motion is duly moved and seconded, the Presiding Officer states the motion and declares it open for discussion. If the mover has not already done so, the mover has the right to introduce the discussion.
- (d) A motion is out of order when it conflicts with a resolution previously passed at the same session unless it is a motion to reconsider.
- (e) Without the permission of the Court, no member may speak more than once on any motion or on any amendment thereto.
- (f) The mover of a motion has the right of reply before any vote is taken thereon or on any amendment thereto. Even when the Court has directed that an immediate vote be taken on a motion, the mover still has the right of reply.
- (g) When a motion has two (2) or more clearly defined parts or points of issue, and any two (2) members request that it be divided, a separate vote must be taken on each part.
- (h) Any motion may be withdrawn but only with the consent of its mover and seconder.
- (i) After a motion is under consideration a question of order cannot be raised against it unless the motion is ultra vires.

6. Procedure on Amendments

- (a) Any member except the mover or the seconder of the motion may move a relevant amendment thereto.
- (b) An amendment must be seconded, and if there is no seconder it fails.
- (c) A motion is amended by striking out certain words or clauses, adding certain words or clauses, or striking out all after the word “Resolved” (or the word “that”), and inserting another motion that will dispose of the matter. An amendment that merely negatives a motion before the Court is out of order.
- (d) There may be an amendment to the amendment, provided it has been duly seconded.
- (e) There is no limit to the number of amendments, but at any one time there can be before the Court only the motion, the amendment, and the amendment to the amendment.
- (f) When an amendment is disposed of, other relevant amendments may be proposed.
- (g) The discussion is always on the immediately pending question, and it must be voted on first. When a motion, an amendment, and an amendment to the amendment are before the Court, the two first named are “pending questions” and the last is the “immediately pending question.” When the immediately pending question is disposed of, the one above it then becomes the immediately pending question, until the whole matter is disposed of.
- (h) When an amendment carries, it is not thereby adopted as the finding of the Court, but only changes the proposition under discussion.
- (i) When a motion, an amendment, and an amendment to the amendment are before a Court, three (3) separate votes including “for” and “against” must be taken. The first determines whether the amendment shall be amended, the second determines whether the motion shall be amended, and the third determines whether the motion, in whatever form it is then before the Court, shall be adopted or rejected.

7. Procedure on Voting

- (a) A vote is generally taken viva voce or by a show of hands. The Presiding Officer may ask for a standing vote. Upon motion duly passed, the vote shall be taken by ballot. In all actions of Church Courts regarding membership in the Order of Ministry requiring voting procedure,

the vote shall be taken by ballot unless waived by unanimous consent; that is, on motion to waive, no dissenting vote is cast. See also section 035.

- (b) In the event of a tie, the Presiding Officer shall cast the deciding vote.
- (c) An affirmative vote on a motion does not validate any motion that is ultra vires of the Court, or that contravenes a decision of a higher Court.
- (d) Voting by proxy or by mail-in ballot is not permitted in the conduct of United Church business. (2007)

8. Procedure on Motion to Reconsider

- (a) A motion to reconsider may be made at any time when the floor is vacant; but the actual reconsideration has only the same priority as the motion to be reconsidered.
- (b) A motion to reconsider must be moved by a member who voted with the majority. Any member may second.
- (c) If a motion to reconsider is dealt with at the same meeting in which the original motion was adopted, it will fail unless two-thirds (2/3) of those voting are in favour thereof. If a motion to reconsider is dealt with at a subsequent meeting of the Court, a majority of those voting determines the question.
- (d) When any motion to reconsider has been duly seconded, all action on the original motion is suspended until the motion to reconsider has been disposed of. No motion to reconsider can be entertained by the Court where action has already been taken under the original motion.
- (e) A motion cannot be reconsidered twice unless materially changed on the first reconsideration. If a motion to reconsider has been lost, it cannot be repeated.
- (f) A motion to reconsider is debatable only when the motion to be reconsidered is debatable. It cannot be amended, postponed indefinitely, or committed.

9. Motion to Refer

A motion to refer is debatable, but only as to the wisdom and manner of the proposed referral. It requires only a majority of those voting.

10. Motion to Postpone Indefinitely

A motion to postpone indefinitely, when in order, must be put without debate. If the motion is lost, it cannot be repeated or reconsidered. If carried, the motion along with all amendments is removed from debate. At any time it may be brought back before the Court by motion duly seconded and carried. In such case the question is before the Court in exactly the position it held at the time it was removed from debate. A motion to postpone indefinitely can have no conditions attached to it. If a time is specified, it immediately ceases to be a motion to postpone indefinitely and becomes a motion to postpone definitely and is debatable. (2007)

11. Motion to Take an Immediate Vote

If a motion to take an immediate vote (for which a two-thirds (2/3) vote is required) is carried, the vote shall be taken immediately. The mover of the main motion, however, shall have the right to reply before the vote is taken. If such a motion fails, debate on the main motion shall continue. A motion to take an immediate vote is not debatable.

12. Motion to Adjourn

A motion to adjourn is not debatable. If, however, any conditions, such as time or place for reassembling, are attached, the motion to adjourn loses its priority and becomes a main motion. If there is no provision for reassembling, a motion to adjourn becomes debatable.

13. Committee of the Whole

- (a) Any Court, for greater freedom of discussion, may, on motion duly made, seconded, and carried, move into a Committee of the Whole. Any such motion is neither debatable nor amendable, except only as to the scope of the subject to be discussed. The motion is not in order if there is a pending motion to adjourn the meeting or to postpone discussion on the subject. (2007)
- (b) The first act of the Committee of the Whole is to appoint a chairperson and a secretary. A separate minute of the proceedings is taken. (2007)
- (c) The ordinary limitations of debate do not prevail in the Committee of the Whole. The chairperson restates the matter(s) to be considered. Discussion is then opened and is conducted informally. Motions need not be seconded. Unless the resolution creating the Committee of the Whole imposes restrictions, there are no restrictions, within reason, on the number of times a member may speak or on the length of speeches, except that priority is given to a member who has not yet spoken. (2007)
- (d) When the deliberations of the Committee of the Whole are concluded, the Committee will dispose of a motion that the Committee rise and report; this motion does not require seconding and is neither debatable nor amendable. When this motion is passed, a report is prepared and submitted to the chairperson of the main meeting, who reconvenes the main meeting. (2007)
- (e) A Committee of the Whole can neither adjourn nor terminate; it only can report back to the main meeting. It can, of course, recess briefly to prepare its report. (2007)

14. General

- (a) When a member utters language that another member considers offensive, the latter may require that the words be taken down. The speaker is then allowed to proceed. When the speaker yields the floor, the words complained of may be considered and dealt with. Such words may not be privileged.
- (b) Members of any Court should at all times therein conduct themselves with dignity, fairness, and understanding. The prime concern should be the good order and welfare of the church.
- (c) In any point not covered in *The Manual*, the parliamentary rules accepted in Canada (Bourinot) shall be followed.