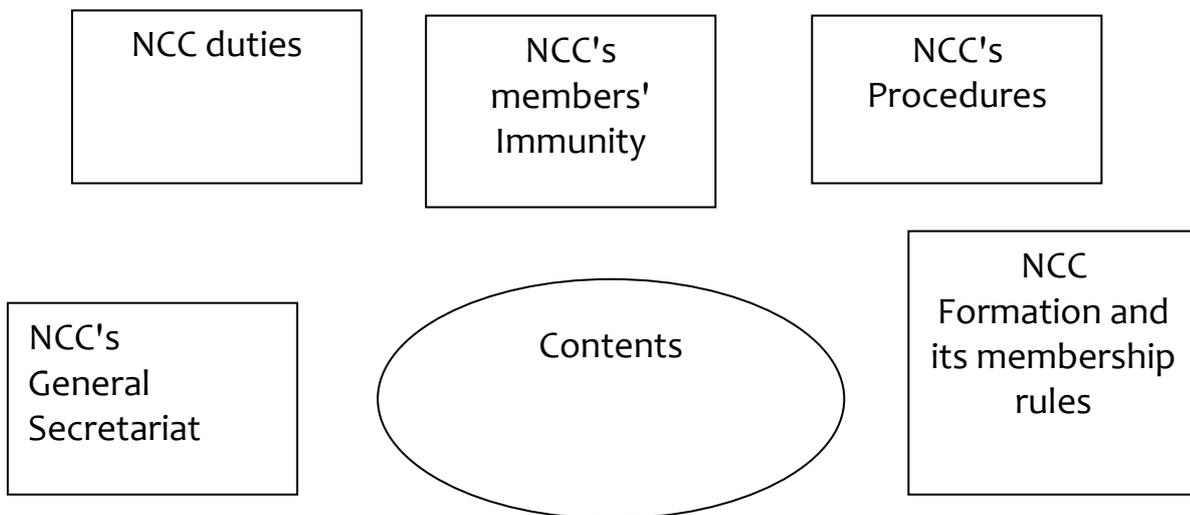


General secretariat of  
National Consultative Council

**NCC Parliamentary Culture Guide**

**Prepared by:  
The Legal Department**



**Preamble:**

NCC is one of the oldest consultative council in UAE, it was established according to instructions and orders of late\ Sheikh Zayed Bin Sultan Al Nahian- may Allah rest his soul in peace- as he believes and would like to establish the principles of consultation and council in rule. According to the Law no. (2) for 1971, articles therein included the general rules to establish the National Consultative Council (NCC) and the membership rules, sessions procedures and NCC duties.

Applying of article no. (20) of the Council Law; which invests the NCC with responsibility of setting out a by-law, the amiri decree no. (39) for 1972, was issued to determine the chairman and vice-chairman's powers,

and other relate to the council affairs, committees, members and the General Secretariat's employees, voting, discussion rules and regulations, and the council other internal affairs.

Legal Department is pleased to present this document which includes the following:-

- NCC Institution and membership rules.
- NCC Procedures.
- NCC Members Immunity.
- NCC powers and authorities.
- NCC General Secretariat.

## NCC Institution and Membership Rules.

### **First: Institution**

#### **Number of Members**

Fifty five members

#### **Method of Appointment**

Shall be by the Ruler of Abu Dhabi upon amiri decree

#### **Membership Term**

Two Gregorian years commences from first meeting.

#### **Cases of Membership Termination**

End of the term without renew	Death	Resignation	Conviction for breach of trust
-------------------------------	-------	-------------	--------------------------------

### **Second: Membership Rules**

The member shall be a residence of Emirate of Abu Dhabi.

Shall be of high prestige and opinion.

Shall be one of those served and rendered outstanding services for the country.

#### **Third: Memberships Rights and Duties**

The member shall administer the oath before the Ruler prior to commence his duties.

Shall not intervene in acts of judicial authority or executive authority.

Shall be a member of at least only one committee of the council permanent committees.

The council chairman and members are entitled for monthly remunerations fixed by law. The last law is issued to amend the amount is law no. (4) for 2005.

#### **Fourth: not allowed to combine between membership and a public job**

The law prohibits any of the council members, during his membership term, to combine between membership and any public job, including department's directors' position. The law obligates the member who combines between membership and a job to select one of them within 8 days following to combination, otherwise he shall be deemed selected the recent.

### NCC Procedures

#### **First: Convention**

##### **1- Legislative Season**

The period from instituting the council until the end of the term is called (legislative season). Hence, the term of legislative season for the NCC is two Gregorian years begins from the date of the first meeting.

##### **2- Regular Convention (annual):**

Article no. (14) of NCC law; stated the term of regular convention, which shall not less than 8 months as of the first week of November of every year. Calling and adjournment shall be by an amiri decree.

##### **A. holding of the first session in the legislative season of first convention:-**

- Eldest member shall chair the first session until the election of the chairman.
- The amiri decree regarding the council institution and the amiri decree regarding call the council for convention shall be recited.
- The council members shall administer the oath.
- At the council institution every two years, the highness Ruler or his representative shall open the first regular convention of the council legislative season.
- The government shall present to the council statement of the achievements.

- The council shall set up a committee to replay to the opening supreme letter, and shall be presented to the Ruler after approved by the council.

### **B. Convention Method:-**

- The council sessions are open.
- The session may be held secretly upon the request of the council chairman, one of the department directors or at least third of the members.
- The council shall hold its sessions in the capital, however, it may hold its sessions anywhere, if the formation decree stipulated thereof.

### **3- Irregular Convention:-**

Above article no. (14), stated that, the council may be called for irregular meeting if required, in such irregular meeting the council shall not consider subjects other than the subjects the council was convened for. Calling and adjourn of irregular sessions shall be by an amiri decree as in regular session.

### **4- Council Presidency:-**

#### **A. Chairman Election:**

The council elects a chairman and vice chairman in the first meeting of the legislative season, which is chaired by the eldest member, and election shall be as following:

- Secret election by absolute majority of the attendant (more than half of participants in voting).
- If the majority did not overwhelm, election should be repeated between the two nominees who obtained most votes. If a third nominee equaled in votes number with the second nominee, he shall participate in the second election; which shall be by relative majority. If more than nominee obtained the relative majority, election among them shall be by ballot.

#### **B. Chairman Authorities:**

Subject to the context of Article 17 of Decree no. 39, for 1972, to issue NCC by-law, chairman shall undertake the following:

- Presides the council, maintains internal order, and supervises the council acts and committees.
- Represents the council in communications with the other governmental departments and entities.
- Executes and signs contracts in the name of the council.
- Prepares the council budget and balance sheet, and presents them before the financial affairs committee to be approved by the council.
- Supervises the General Secretariat and practices the legal powers entrusted to a department director on the council employees and customers.
- Sets up a system for visitors who attend the council sessions.

### **C- Vice-Chairman Powers:**

Article no. (18) of NCC By-law, included the vice-chairman powers as follows:

- Undertakes the council presidency if the chairman is absent or hindered.
- Authorized by the chairman to execute all or part of his powers.
- Replaces the chairman in all his powers if his absence extended for more than 4 continual weeks.

## **Second: Procedures**

### **1- Opening the session:-**

- The chairman declares the session is open if the member majority is presented.
- If quorum is not complete, he may delay the session opening for one hour, if not complete the chairman may adjourn the session due to lack of quorum.

### **2- Agenda:-**

- The secretary general or his authorized recites the names of apologized members and absentees.
- The Council opinion shall be taken to ratify the previous session record.
- Chairman informs the council about the received documents and letters prior to consider the issues in the agenda.

### **3- Speaking Rules in Sessions:-**

- No one shall speak unless he excused the chairman, and allowed to speak.
- The chairman may prevent any one from prolixity and presents the issue before the council for dissolve.
- The chairman only has the right to draw the speaker attention to comply with provisions of by-law, speaking rules and the subject.
- The member attention may be drawn if he violated the by-law.
- The speaker shall speak from standing up on his place.
- Reporters shall speak on the platform, unless the chairman requested otherwise.
- Not allowed to speak about personal affairs.
- The speaker is not allowed to use any indecent expressions that harm individuals or entities or jeopardize the higher interest of the country or violates the by-law.

#### **4- Priority Applications:**

The following applications have priority on the original subject:-

- Drawing the attention to consider provisions of NCC By-law.
- Responding to speech harms speaking requester.
- Requesting adjourn or delaying search of the subject.
- Requesting to conclude the discussion.

#### **5- Penalty of Violating the Session Order:-**

The council may impose on the violating member one of the following penalties:-

- Notice.
- Blaming and reproaching.
- Prohibiting the member from speaking until the session end.
- Dismiss from the room.
- Depriving the member from participation in the council acts and committees for two consecutive sessions.
- The decision shall be ceased if the member presented a written apology in the next session.

#### **6- Deliberations and Discussions Validity:-**

- Council deliberations shall be valid by attendance of the members' majority.
- Decisions shall be taken by absolute majority, if the votes are equal, the chairman party shall be preponderant.

### **7- Sessions Records:-**

- Each session shall have a record contains the detailed session procedures.
- Any member attended the session, on his own discretion, may request correction on the record, however, correction not allowed after record ratification.
- Ratification of the final session record, in the convention or legislative season, shall be by the session chairman.
- The chairman may delete and omit any phrases or words of any member violate the rules of this by-law.
- Council chairman and secretary general sign the session record after ratification thereof.

### **8- Session Invalidity:-**

- Subject to the law any session was held by the council in other accredited venue and time shall be deemed invalid, involving invalidity of all decisions issued thereof.

### **Third: The Council Committees**

The NCC establishes permanent committees pursuant to article no. (22) of the Council By-law. Further the council may form other permanent or temporary committees, if work required thereof.

The NCC permanent committees consist of the following:

- 1- Interior Affairs and Defense Committee, 8 members.
- 2- Financial, Economical, Industrial, Commerce and Oil Affairs Committee, 8 members.
- 3- Legal and Legislative Affairs Committee, 8 members.
- 4- Education, Agriculture and Media Affairs Committee, 8 members.
- 5- Health, Labor and Social Affairs Committee, 8 members
- 6- Municipalities and Public Utilities Affairs Committee, 8 members.

The council added the following committees:

- Preparatory committee; chaired by the council chairman, its membership consists of most of the council members. It convenes prior to holding of main sessions to discuss and approve the agenda.
- East Area Affairs Committee; consists of the council members who resides in the East Area.

- West Area Affairs Committee; consists of the council members who resides in the West Area.

**A. Committees Formation:**

- The committees' members are elected by relative majority.
- Each of the council members shall join at least one committee.
- Member is not allowed to join more than two permanent committees.
- Each committee elects a chairman from the members and a reporter and a secretary from the council's employees.

**B. Committees Convention:**

- The committees' sessions are held by the chairman call, or the council chairman, or by the absolute majority of the members.
- Drafts and papers shall be distributed to the members at least three days prior to committee convention and in emergency case such period may be reduced to 24 hours.
- The committees' sessions are in camera and held by the absolute majority of the members.
- Any member of the council may attend a committee session; which he is not a member, provided he obtained the committee approval, and shall not participate in the discussion or make opinions.
- The council chairman may call committees for meeting within the convention terms, if he deemed necessary, or upon the request of the executive council or the committee chairman.
- Upon the council chairman approval, more than a committee may join to discuss one subject, in this case the committee chairman and reporter shall be the eldest chairman and reporter.

**C. Committees' Reports:**

- The committee shall present to the council chairman a report on any subject was referred to, the report summarizes the work and states the committee's recommendations within two weeks from the reference date.
- The report shall contain the original draft and the draft approved by the committee and reasons the opinion based on.
- The reporter recites the committee report before the council and follows the discussion.

#### **Fourth: Council Dissolution**

- By an amiri decree the council may be dissolved, provided that dissolution decree includes calling for the new council convention in a period not later than 60 days as of the dissolution decree date.
- The new council shall not be dissolved for the same reasons.
- In the event of the council dissolution, the General Secretariat and council departments shall be attached to Abu Dhabi Executive Council

#### **NCC members' Immunity**

Most of the world constitutions are confirmed the principle of warranty for parliament members to assure liberty and independence of parliament work, and parliament members' neutrality, and they are not affected by any external impacts, force or pressure when they state their opinion or carrying out their parliament duties.

UAE constitution noticed the importance of this principle, and stated the same in the articles therein, and mentioned many warranties and immunities for NCC members. The same was taken by the draft of law in Abu Dhabi. The following immunities were set out in the NCC law and by-law:

**Platform Immunity:** article (17) of NCC law stated:

"Council members shall not be blamed, punished or criticized for their opinions and ideas when they practice their duty in the council or the related committees".

The purpose of this context is, to provide the necessary immunity for the council member to express and state his opinions and believes, without fear of legal liability or prosecution. His acts and works during the council session, by law shall be apart from criminal liability or prosecution.

Notwithstanding, other rules and procedures of criminal liability shall be applied, if his acts or words outside the council and committees involved any act penalized by law. The immunity shall be deemed as part of the general law and the member is not allowed to assign or relinquish; which deemed absolute invalid and has no effects.

**Immunity from Criminal Procedures:**

Article (17):\* repeated, therein stated:

"During the council meeting and if not involved in a crime, not allowed to take legal actions or penalties against any member, unless the council consent was obtained. In the event that, such actions were taken in the council adjournment, council shall be informed about the actions as set out in the By-law".

Notable, such immunity is only limited to procedures jeopardize the members or his house sanctity, whoever may at anytime and without the council consent take other procedures not touch the member, such as witness statement and interview procedures.

**Parliament Remunerations:**

Parliament financial remunerations are deemed one of the council members' warranties. Article (18) of NCC law stated:-

"The Council's Chairman and members are entitled for remuneration – fixed by the law- as of the date of oath administration".

The draft regards to set out such remuneration as the importance of parliament role, and the efforts exerted by parliament member, to provide all his needs and requirements of good life. Further to avoid any potential influences, impacts or external pressure may affect his opinion, liberty or the parliament work.

## NCC Responsibilities

### **Drafts of Laws and Public Subjects**

#### First: NCC legislative affairs responsibilities:

##### 1- Considering Drafts of Laws

NCC role represents in supporting the Ruler and Abu Dhabi Executive Council, and discusses drafts of laws referred to, and states opinions thereof subject to article no. (6) of NCC law no. (2) for 1971; which stated the procedures of considering drafts of laws as following:-

- The chairman submits to the NCC the drafts of laws that were presented by Abu Dhabi Executive Council.
- The NCC refers the presented drafts of laws to the concerned committees.
- The chairman shall refer the draft directly to the concerned committee, if the Executive Council requested to consider the draft in such way.
- If the concerned committee inserted amendments to the draft of law, it may seek the help of Legal and Legislative committee to view the draft formation and arrange the articles therein.

#### Second: NCC observation responsibilities

##### 1- Public Subject Discussion

"NCC may discuss any of the public issues or the country affairs in presence of concerned departments' directors, and declares its opinions and recommendations thereof to the Ruler or Abu Dhabi Executive Council. Department director shall answer the inquiries and questions asked by Council members relate to issues and affairs within his responsibilities, subject to the Council By-laws".

This authority confirms the right of discussing public issues that jeopardize the higher interests of the emirate, and the benefits of

residents, which is considered as the basic rights of the council, and to clarify the executive council policy thereof, or to show its desires and recommendations to the Ruler or the Executive Council.

## **2- Asking Questions**

Some legislators define the question form and purposes as one of the parliament observation and control tool on the government acts as: "an inquiry by a parliament member to a minister to clarify a subject relate to his ministry, to enable the members to inquiry any subject. The relation shall be only between the questioner and the responder not the others, no comment or discussion from other than the questioner".

There are many types of questions as oral and written. To accept the question the legislator provided that, it shall be written and signed by the questioner.

The articles from 79 to 87 of NCC law stated the rules, terms and mechanism of asking questions to the executive council chairman or member to inquire about issues within their authorities, or other issues, or to verify an incident came to the questioner knowledge.

## **3- Petitions and Complaining**

- The council receives the people petitions and complaining in order to boost and enhance ties and relation between the council and people, and to give opportunity to listen to their opinions and exchanging views, and to remedy their problems, to serve their interests, and any matter supports the public interest.
- All petitions and complaining shall be signed by petitioners and free from indecent phrases.
- The chairman refers these petitions and complaining to the concerned committee.
- The council and the committee may request from the concerned authorities to provide them with the required explanations within two weeks maximum, unless the council decide by discretion.

## **4- Notification of Conventions, treaties and agreements**

- The council chairman shall be informed about the international treaties and conventions entered by Abu Dhabi government. And the statement enclosed with shall be recited in the first following session, then deposit the convention or treaty and attached with into the General Secretariat.

- The council may make any observations or remarks in respect of the treaties and conventions, but no decision shall be made thereof.

**Third: NCC Budget**

- Withdrawing from the council approbations shall be upon the chairman approval or his vice if the chairman is absent, or the secretary general, subject to the accredited financial rules.	- The council approves the balance sheet and issued attachment to the Emirate balance sheet law.	- The council budget shall be issued attached to the Emirate general budget law and entered as one figure in the emirate budget.	- The council approves its annual budget within the approbations inserted thereof.
---	--	--	--

**NCC General Secretariat**

<p><b>First: General Secretariat</b></p> <p><b>Establishment:-</b></p> <ul style="list-style-type: none"> <li>- The NCC General Secretariat and Legal Department shall be established by the chairman decision; which includes the rules relate to administrative, financial and legal affairs.</li> <li>- The General Secretariat is</li> </ul>	<p><b>Second: secretary general powers and duties:</b></p> <ul style="list-style-type: none"> <li>- He shall have the powers decided by the rules and regulations for a department director in Abu Dhabi.</li> <li>- He shall be responsible for the General Secretariat's affairs and the employees before the</li> </ul>	<p><b>Third: legal advisor duties:</b></p> <ul style="list-style-type: none"> <li>- To make legal opinion in the matters referred to by the council or committees.</li> <li>- Shall attend the council and committees' sessions if requested.</li> <li>- Shall be responsible for the legal department acts before the council chairman.</li> </ul>	<p><b>Forth: The General Secretariat's employees:</b></p> <ul style="list-style-type: none"> <li>- Employees shall be appointed in the General Secretariat by the chairman decision and upon the secretary general nomination.</li> <li>- Employees are subject to NCC rules and civil service rules and</li> </ul>
--	--	---	---

<p>chaired by a secretary general, and the legal department is chaired by legal advisor; they are appointed by amiri decree upon the chairman nomination.</p>	<p>chairman.  - Shall attend the council open sessions, and upon the council consent may attend the secret sessions.  - Shall attend the committees' sessions, if a committee required that.</p>		<p>regulations and the applicable systems in Abu Dhabi.</p>
---	--	--	---