

# **HOUSE OF COMMONS COMMISSION BILL**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These explanatory notes relate to the House of Commons Commission Bill as brought from the House of Commons on 25th February 2015. They have been prepared by the Cabinet Office in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.

2. These notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. If a clause or part of a clause does not seem to require any explanation or comment, none is given.

### **BACKGROUND**

3. The House of Commons Commission is responsible for the administration and services of the House of Commons. The House of Commons (Administration) Act 1978 (the “1978 Act”) provides the statutory basis for the Commission.

4. On 10th September 2014, the House of Commons agreed to establish the House of Commons Governance Committee. This followed a pause in the process for recruiting a new Clerk of the House of Commons. The Committee’s remit was focused on consideration of the question of how the responsibilities of the Clerk and Chief Executive of the House should be allocated in future. The remit also included matters relating to the governance of the House more generally, including the role of the House of Commons Commission.

5. The Committee published its report, “House of Commons Governance”, on 17th December 2014. This report recommended that the House of Commons Commission should have a new explicit statutory responsibility: to set strategic priorities and objectives for the services provided by the House Departments. It also argued that the Commission’s parliamentary membership should be expanded, in order to better represent the breadth of views in the House and to make it less likely that a future Government might have a majority on the Commission. It maintained that, with the addition of two external and two official members, an expanded Commission would also enable it to have a closer relationship with the other committees of the House with responsibilities for its administration, as well as the new Executive Committee that it proposed to replace the existing Management Board of House officials.

6. These recommendations are taken forward through this Bill.

## **SUMMARY**

7. This is a relatively short Bill containing two measures. Clause 1 would change the membership of the Commission to add five new members: one extra Member of Parliament and four people who are not MPs.

8. Clause 2 would alter the Commission's functions in order to give it explicit statutory responsibility for setting the strategic priorities and objectives for services provided by the House Departments.

9. The Schedule would make further, consequential changes to the membership and procedure of the Commission, including setting requirements for the appointment of external members.

## **TERRITORIAL EXTENT AND APPLICATION**

10. The Bill would extend to the whole of the UK. The Bill addresses matters relating to the Parliament of the United Kingdom, which is an "excepted matter" under Schedule 2 to the Northern Ireland Act 1998, and a "reserved matter" under Schedule 5 to the Scotland Act 1998.

## **COMMENTARY ON CLAUSES**

### **Clause 1: Members of the Commission etc.**

11. This Clause amends the House of Commons (Administration) Act 1978 to add five new members to the existing Commission of six MPs: one extra Member of Parliament and four non-Members.

12. *Subsections (1) and (2)* specify that the new Commission consists of seven parliamentary members, two external and two official members.

13. *Subsection (4)* specifies that the official members are the Clerk of the House of Commons and the Director General of the House of Commons, a new position recommended by the Governance Committee. The subsection allows the Commission to appoint other House officials if either of these posts is vacant.

14. *Subsection (4)* also prohibits an external member from being a Member of Parliament, peer, or member of staff of either House and requires that they are appointed by resolution of the House of Commons.

**Clause 2: Functions of the Commission**

15. Under section 2 of the 1978 Act the Commission has responsibility for staff appointments, numbers, pay and pensions. This clause gives it the additional function of setting strategic priorities and objectives for services provided by the House Departments.

**Clause 3: Commencement, extent and short title**

16. *Subsections (2) to (4)* set out how the Bill will come into force.

17. *Subsection (2)* ensures that the new members of the Commission can be appointed from the day that the Bill is passed.

18. *Subsection (3)* provides that those provisions in the Bill not relating to appointments come into force on the day after the last of the parliamentary members have been appointed. The Act comes fully into force on this day.

19. *Subsection (4)* ensures that members of the Commission who are appointed before the Act comes fully into force may not sit as members of the Commission until all the parliamentary members of the Commission have been appointed. The new Commission will become operational, with the Clerk and Director General joining it, on this day, regardless of whether the two external members have been appointed or not.

**Schedule: Further provision about members and procedure of the Commission**

20. *Paragraph 2* places two restrictions on how the House of Commons may make a resolution appointing an external member to the Commission. First, such a motion may be made only with the agreement of the Commission. Second, the person being appointed must have been selected by the parliamentary members of the Commission on the basis of fair and open competition.

21. *Paragraphs 3 and 4* amend the 1978 Act to reflect the new terminology of “parliamentary members” introduced by this Bill.

22. *Paragraph 3* also amends the 1978 Act to include in the definition of ex officio member of the Commission the Clerk of the House and Director General of the House of Commons.

23. *Paragraph 5* allows the Commission to make formal delegations of its functions concerning staff (such as those relating to pay and conditions) to any member of staff it chooses rather than just the heads of any House Department.

24. *Paragraph 6* provides the Commission with the option to appoint one of its members other than the Speaker to take the Chair at a Commission meeting in circumstances other than the absence of the Speaker, which is the only circumstance in which this can happen at present.

**FINANCIAL EFFECTS OF THE BILL**

25. There are minimal, if any, financial effects of this Bill.

**EFFECTS OF THE BILL ON PUBLIC SECTOR MANPOWER**

26. There are no effects on public sector manpower of this Bill.

**SUMMARY OF REGULATORY APPRAISAL**

27. The Bill is not of a regulatory nature and does not impact the private sector or public services.

**EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)**

28. The Department's view is that the provisions of the Bill are compatible with the Convention rights defined in section 1 of the Human Rights Act 1998, and that the Minister in charge of the Bill is properly able to sign a compatibility statement under section 19(1)(a) of the Human Rights Act 1998 in respect of it.

29. The changes that the Bill makes to the membership and functions of the House of Commons Commission are all prospective. The changes will take place at the start of the next parliament, when the Commission's membership would be re-constituted anyway, and will not restrict or alter the tenure of any existing member.

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*These notes refer to the House of Commons Commission Bill  
as brought from the House of Commons on 25th February 2015  
[HL Bill 97]*

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