

House of Commons (Participation) Bill

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TO

Provide for the Speaker of the House of Commons to have power to determine the eligibility of members of the House of Commons to participate in certain legislative and other proceedings of that House.

WHEREAS the creation of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly has had or will have an effect on the legislative work of Parliament, which should be reflected in the procedures of the House of Commons;

And whereas the devolution settlement has changed the United Kingdom's constitutional arrangements;

And whereas the devolved bodies have created alternative methods of passing legislation for different parts of the United Kingdom;

And whereas on all reserved matters affecting the United Kingdom, all members of the House of Commons can speak and vote;

BE IT THEREFORE ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 General principles

- (1) This Act does not remove the absolute discretion of the Speaker of the House of Commons, or any Member acting in his stead in accordance with the Standing Orders of that House, to call to speak which members of that House he sees fit to call. 5
- (2) Any certificate or designation (or a variation of either) of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.
- (3) For the avoidance of doubt, this Act in no way affects the ability of the Speaker, or any Member acting in his stead in accordance with the Standing Orders of 10

that House, to preside over the business of the House of Commons or a committee thereof, or to cast his vote on any item of business.

2 Public and private bills

- (1) When a public or private bill has been read the first time in the House of Commons, the Speaker shall, before the second reading of the bill, certify in writing the territorial extent of the bill. 5
- (2) The Speaker may certify that different provisions of the bill extend to different parts of the United Kingdom.
- (3) The Speaker shall designate which category or categories of Members of the House of Commons may speak and vote on the second and third readings of the bill. 10
- (4) The Speaker shall designate which category or categories of Members of the House of Commons may speak and vote on which provisions of the bill (including amendments to those provisions) during its committee stage or during the consideration of the bill on report. 15
- (5) Where he thinks it expedient to do so, the Speaker may designate which category or categories of Members of the House of Commons may speak and vote on any amendment of which notice has been given.
- (6) The Speaker shall designate which category or categories of Members are eligible to participate in any other proceedings relating to the bill, including— 20
 - (a) programme motions;
 - (b) motions for ways and means resolutions;
 - (c) motions for money resolutions;
 - (d) motions for instructions to the committee to which the bill is committed; 25
 - (e) proceedings on re-committal;
 - (f) consideration of any Lords amendments and reasons;
 - (g) any other motions, questions or proceedings directly related to the consideration or passage of the bill.
- (7) The categories of Members which the Speaker may designate under subsections (3) to (6) are— 30
 - (a) all members returned for constituencies in England and Wales;
 - (b) all members returned for constituencies in Scotland;
 - (c) all members returned for constituencies in Northern Ireland.
- (8) The Speaker may designate any combination of the categories in subsection (7). 35
- (9) The Speaker may alter the terms of his certificate or designation at any time during the passage of the bill through Parliament, where he deems it appropriate to do so by reason of amendments which have been made to the bill or of which notice has been given.
- (10) When making a designation under subsections (3) to (6) or altering it under subsection (9), the Speaker shall have regard to his certification as to the territorial extent of the bill under subsections (1) and (2). 40

3 Statutory instruments

- (1) Where a statutory instrument is laid before the House of Commons, the Speaker shall certify in writing the territorial extent of the instrument.
- (2) The Speaker may certify that different provisions of the instrument extend to different parts of the United Kingdom. 5
- (3) The Speaker shall designate which category or categories of Members of the House of Commons may speak or vote on proceedings on the instrument.
- (4) The categories of Members which the Speaker may designate under subsection (3) are—
 - (a) all members; 10
 - (b) all members returned for constituencies in England and Wales;
 - (c) all members returned for constituencies in England.
- (5) When making a designation under subsection (3), the Speaker shall have regard to his certification as to the territorial extent of the instrument under subsections (1) and (2). 15
- (6) Subject to subsection (7), in this Act, “statutory instrument” has the meaning given to it by the Statutory Instruments Act 1946 (c. 36), but may also include any other subordinate legislation to which the Speaker determines that a certificate issued under this section should apply.
- (7) This section does not apply to any statutory instrument which is not subject to any parliamentary proceedings. 20

4 Special provision relating to Northern Ireland legislation

The Speaker shall designate legislation relating to Northern Ireland which relates to matters which have not been devolved to the Northern Ireland Assembly as if they related to the whole of the United Kingdom. 25

5 House of Commons Standing Orders

Standing Orders of the House of Commons may make further provision for giving effect to this Act.

6 Short title and commencement

- (1) This Act may be cited as the House of Commons (Participation) Act 2007. 30
- (2) This Act comes into force at the beginning of the session of Parliament immediately after the session in which it is passed.

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To provide for the Speaker of the House of Commons to have power to determine the eligibility of members of the House of Commons to participate in certain legislative and other proceedings of that House.

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supported by
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