



House of Commons  
Procedure Committee

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# Private Members' bills

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**Second Report of Session 2013–14**

## ***Volume I***

*Volume I: Report, together with formal minutes*

*Volume II: Oral and written evidence*

*Additional written evidence is contained in Volume III, available on the Committee website at [www.parliament.uk/proccom](http://www.parliament.uk/proccom)*

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## Procedure Committee

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## Summary

The initiation, scrutiny and passage of private Members' bills goes to the heart of the function of the House of Commons as a legislative assembly. The ability of any Member to bring forward a legislative proposition, and to have it debated, is the clearest indication that so far as legislation is concerned the House is not a mere sausage machine, churning out endless bills introduced, timetabled, amended and whipped through by the Executive. Yet over a period of many years the House and its members have allowed this important aspect of its procedures to be devalued and degraded.

The weight of evidence which we have received demonstrates a clear desire across the House for change to private Member's bill procedures. In this report we consider the various purposes for which private Members' bills may be used; we look in detail at the reasons for the problems which are inherent in private Member's bill procedures as they currently operate; and we put forward options for reform which we consider retain the best of the existing system whilst reviving the procedures as a means of securing debate, scrutiny and decision on genuinely backbench legislative propositions.

### Purposes of private Members' bills

There are broadly four main reasons why a private Member's bill may be brought forward:

- as a chance simply to raise an issue or to “fly a kite”;
- to start a campaign for a change in the law;
- to make small and uncontroversial changes to the law supported by the Government;
- as a genuine attempt at legislative change initiated by a backbench Member of Parliament.

All these purposes have a place in private Member's bill procedures. The picture emerging from the evidence we took, however, is one of a significant imbalance amongst them. What has been largely missing from the private Member's bill procedures have been genuinely backbench propositions, not initiated by Government, being brought through all their stages and becoming law.

### Problems with private Member's bill procedures

The fundamental problem with the private Member's bill procedures as they currently operate is that it is too easy for a small number of Members to prevent a bill from progressing without giving the House as a whole the chance to come to a decision on it. The difficulty of achieving legislative change—or rather, the ease with which legislative change can be resisted—undermines the effectiveness of both kite-flying and campaigns for legislative change, and tilts the balance away from backbenchers and towards the Government in the choice of bills brought forward. Private Member's bill procedures

disenfranchise Members who may wish to support a bill being promoted by a colleague and are misleading to the public and to the interest groups who seek to use it to advance legislative change. The lack of transparency in the private Member's bill process engenders confusion and unrealistic expectations, and facilitates a situation whereby the Government is able to delay or frustrate progress on a private Members' bill without ever defeating it in a vote. The result is not only a waste of the imagination and good ideas of Members of Parliament, but a missed opportunity for engagement with the public and civil society.

### **Objects of reform**

It is not our intention to facilitate the passage of bills into law through the private Members' route. Rather, we consider that reform should have two objects:

- to increase the transparency of the process so that interested parties—both inside and outside the House—understand what is happening; and
- to ensure that the process is a genuine opportunity for debate, scrutiny and, if it is the will of the House, passage of a backbench legislative proposition.

### **Proposals for reform**

#### ***Timing of debate***

We recommend that private Members' bills continue to be debated on thirteen Fridays each session.

#### ***Choice of bills to be debated in private Members' time***

We recognise the merits of the ballot as a means of determining precedence for debate in private Members' bill time; but also that it has been argued that the ballot cannot be sure to select the bills which are most deserving of being given the chance of debate and decision. We recommend that the House be invited to decide between retention of the ballot for the selection of bills to be brought forward for debate in private Members' time, and the introduction of a procedure for the collection of supporters to determine precedence for debate in that time. Under such a procedure precedence would be given to the bills attracting the highest number of signatories, subject to a minimum level of cross-party support.

#### ***Timetabling of private Members' bills***

Implemented well, timetabling enables appropriate debate and discussion of a bill whilst preventing the delay of a bill's passage by procedural tactics or filibustering. We wish to achieve this outcome in the private Member's bill process. We recommend that the House be invited to decide whether it should be possible to programme private Members' bills. If it decides in favour of the principle of programming private Members' bills, we recommend that it be offered the choice between the two means of programming bills which we set out in this report. The first would make programming available to all private Members' bills. The second would make it available to only a limited number of bills in

each Session. We suggest two means of choosing the bills to which it would apply: either on a “first come, first served” basis on private Members’ Fridays, or by initial consideration and a vote in a ‘ten minute rule’ slot, when the whole House could be present. In all cases a proposed programme motion would have to be signed by at least 20 Members from each side of the House before it could be moved, as well as having to be approved by the House itself.

### ***Third reading***

We recommend that the House be invited to decide whether third reading of a private Member’s bill should be taken on a day other than a Friday. We offer two possible means of making such a decision: either after a single short speech in favour, followed if necessary by one in opposition, taken at the time of a ten minute rule slot on a Tuesday or Wednesday; or after an hour’s debate taking place following conclusion of the main business on a day other than a Friday.

### ***Pre-legislative scrutiny***

We recommend that there should be sufficient flexibility in the timing of the ballot and the presentation of the ballot bills—or votes on leave to bring in bills—to enable the House authorities to publish those bills in draft, and the promoter of each bill to collect any comments and take them into account before finalising the text of the bill and getting it printed before second reading. It would be for the promoter of the bill to decide whether to subject the bill to such consultation.

### ***Printing of private Members’ bills and listing on the Order Paper***

We recommend that a bill not appear on the Order Paper (including in “Future Business”) until the Speaker is satisfied that the promoter of the bill has made available for online publication an exposure draft of an actual bill. We also recommend that the deadline for printing a private Member’s bill be brought forward to the Wednesday of the week before the Friday on which second reading is scheduled.

The “Future Business” section of the Order Paper would list only bills set down for days on which private Members’ bills had precedence.

### ***Ten minute rule bills***

We recommend that the expectation be removed that a bill will be immediately brought in if leave is granted after a motion is passed under the ten minute rule. Instead, if leave is granted, the Chair will ask the question “Who will prepare the bill?”, and the Member in charge will name the supporters of the bill, as now, but instead of then presenting the bill will simply resume his or her seat. It will still be possible for a Member to present a bill if desired, but that step will not be required as it is now, and could be taken at a later stage instead of immediately after obtaining leave.

***Flooding the Order Paper with bills***

We recommend that the possibility of monopoly of the limited opportunities for debate of private Members' bills by a single Member be reduced by providing that a private Member may present only a single bill on any one day.

***Declaring the Government position on a bill***

We recommend that the Government be required to make a written Ministerial statement on any private Member's bill which has been printed, before the day on which the Bill is first set down on the effective Order Paper for second reading. The WMS would be "tagged" on the Order Paper next to the entry for each bill.

***Money and ways and means resolutions***

We recommend that the Government be required to make a written Ministerial statement on the reasons for the delay if a money or ways and means resolution, where required, has not been put to the House within three weeks of a bill being given a second reading.

***Other changes***

We recommend:

- that a motion 'That the House sit in private' no longer be permitted to be moved on a private Member's Friday;
- that the requirement for a motion to be tabled by the Government before more than one public bill committee can be nominated in respect of a private Member's bill be abolished; and
- that the term "private Members' bills" be replaced with "backbench bills".

# 1 Introduction

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1. The initiation, scrutiny and passage of private Members' bills goes to the heart of the function of the House of Commons as a legislative assembly. The ability of any Member to bring forward a legislative proposition, and to have it debated, is the clearest indication that, so far as legislation is concerned, the House is not a mere sausage machine, churning out endless bills introduced, timetabled, amended and whipped through by the Executive.<sup>1</sup> Ben Gummer, giving evidence to us, summed up what the private Members' bill procedures can offer:

You are rediscovering the nature of Parliament and what we are supposed to be doing here, and the decisions that you make here could influence the estimation of Parliament in our constituents' minds, which, at the moment, could not be much lower. [...] The life of this place is pretty limited beyond the big set-piece debates that we have, Government versus Opposition, the circus: that opportunity where we can come together and debate issues, not necessarily along party lines; to bring forward ideas that might not be in a Government agenda; to be able to explore ideas. Some of the big legislative moments in Parliament's history, whether on abortion or slavery or a whole series of other things, originated in private Members' bills. If we could have more of that, I think that would be beneficial, not just for democracy but also for Parliament, and I completely agree that we should not leave it to Government or come to a default position where only Government is legislating on virtually everything.<sup>2</sup>

2. Yet over a period of many years the House and its members have allowed this aspect of its procedures—which is important in both practical and symbolic terms—to be devalued and degraded to the point at which it can now barely be said that it functions independently of the Executive. In the 2012–13 Session of Parliament, ten supposedly “private Members” bills reached the statute book. No fewer than nine of those were Government hand-out bills—that is, pieces of legislation prepared by Government which it had not been able to find time for in its own legislative programme, so instead persuaded backbenchers to take through in time which the Standing Orders provide is for non-Government business. Meanwhile other, genuinely backbench, bills were “talked out” by Government ministers, or backbenchers who may have been acting at the Government's behest, and the House denied the opportunity even to come to a decision on them.<sup>3</sup>

3. There are a wide variety of reasons why this has been allowed to become the case. Some are the result of executive action;<sup>4</sup> some are the consequence of changing patterns of the work of a Member of Parliament;<sup>5</sup> some are down to the failure of backbenchers themselves to appreciate the value of the private Member's bill procedure and to

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1 Q 105 (Charlie Elphicke), 110 (Charlie Elphicke), 146

2 Q 105

3 Official Report, 6 July 2012, col1263; 7 Sep 2012, col 565; 19 Oct 2012, col 663; Q 91 (Rebecca Harris), 107, 137 (Martin Horwood), 154, 163, 168, 179, 187.

4 See paras 14 and 15 below.

5 Procedure Committee, First Report of Session 2012–13, *Sitting hours and the Parliamentary calendar*, HC 330, para 6.



understand how to make the most of it.<sup>6</sup> The weight of evidence which we have received—both in the course of this inquiry but also prior to it, especially during our inquiry earlier in this Parliament into sitting hours—demonstrates a clear desire across the House for change to this aspect of its procedures.

4. This report is the result of very careful consideration of the many facets of this issue which we have considered over the course of the inquiry. For some, there has been an assumption that the root of the problem lies in the practice of considering private Members' bills on Fridays, days which the overwhelming majority of Members now devote to work in their constituencies.<sup>7</sup> Others have suggested that the key lies in some form of timetabling of private Members' bills.<sup>8</sup> In this report we consider the various purposes for which private Members' bills may be used; we look in detail at the reasons for the problems which are inherent in private Member's bill procedures as they currently operate; and we put forward options for reform which we consider retain the best of the existing system whilst reviving the procedures as a means of securing debate, scrutiny and decision on genuinely backbench legislative propositions.

5. We are grateful to all those who submitted evidence to our inquiry, both written and oral. We also wish to record our appreciation to the Clerks in the Department of Chamber and Committee Services who have given us technical advice on the operation of the procedures and on the likely consequences of the changes we have discussed.

## 2 Purposes and problems

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6. The comments of witnesses, together with our own experience of the private Member's bill process, suggest that there are broadly four main reasons why a private Member's bill may be brought forward:<sup>9</sup>

- **As a chance simply to raise an issue or to “fly a kite”.** Many ten minute rule bills fall into this category. Often what is desired may be a policy change rather than a legislative one, but the ten-minute rule slot in the Chamber gives an opportunity for such change to be discussed in “prime time”. Recent examples include the Relationship, Drug and Alcohol Education (Curriculum) Bill, brought in by Diana Johnson on a ten minute rule motion on 17 October 2012, and Peter Luff's Science, Technology and Engineering (Careers Information in Schools) Bill, also brought in as a ten minute rule bill on 13 February 2013.
- **To start a campaign for a change in the law.** Sometimes the supporters of a change in the law recognise that the matter is one which needs to be dealt with by Government, and do not intend to attempt to take a bill all the way through the private Member's bill procedure. But the PMB procedures give them an

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<sup>6</sup> See para 18 below.

<sup>7</sup> Ev P 67, 2012–13 (Lighter Later Campaign); P 71, 2012–13 (Which?); P 73, 2012–13 (Joan Walley MP); P 74, 2012–13 (Steve Brine MP); P 14, 2012–13 (Caroline Lucas MP).

<sup>8</sup> P 50, 2012–13 (Professor Michael Rush, Emeritus Professor of Politics, University of Exeter), para 5; Q 109 (Thomas Docherty); Q 113 (Charlie Elphicke); Q 148 (Chris Bryant); Q 319.

<sup>9</sup> Q 53, 97ff, 138, 191, 197, 328

opportunity to bring forward a proposal in legislative form and to kick off a debate which they hope will help to persuade the Government itself to take legislative action. Examples include the Children (Performances) Regulations 1968 (Amendment) Bill, brought in on a ten minute rule motion by Tim Loughton on 9 January 2013, the substance of which was later brought forward as an amendment to the Children and Families Bill,<sup>10</sup> and Mike Weir’s Winter Fuel Allowance Payments (Off Gas Grid Claimants) Bill, a ballot bill in 2012–13 which was later brought forward as an amendment to the Energy Bill.<sup>11</sup>

- **To make small and uncontroversial changes to the law supported by the Government.** As last Session, a number of bills usually pass through the private Member’s bill procedures which have been drafted by the Government but for which it has been unable to find space in its own legislative programme. Such bills are generally known as “handout” bills. The opportunities for effective opposition to private Members bills are such that only non-partisan and relatively minor changes tend to be brought forward in this way. Many Members choose to take up such bills, instead of bringing forward an idea which has not come directly from Government, because of the far greater chance of being able to take the bill through all its stages and see it become law.
- **As a genuine attempt at legislative change initiated by a backbench Member of Parliament.** The obstacles to successful passage into law of a bill which has not originated in Government are formidable. Nevertheless each session a small number of Members bring forward proposals which they genuinely wish to see become law, and which they try to take through the private Member’s bill procedures.

7. All these purposes have a place in private Member’s bill procedures. It has been suggested that the first two in particular have been effectively replaced by the opportunities which now exist for backbench debates. The rule under which issues requiring a legislative solution may not be raised on the adjournment (in Westminster Hall or in the final half-hour adjournment debate in the Chamber) has been relaxed, enabling such issues to be widely aired in backbench-initiated debates with Ministers.<sup>12</sup> More recently, the creation of the Backbench Business Committee has enabled backbenchers to bring substantive motions forward for debate and decision. These are welcome developments, but they are not in our view adequate replacements for the ability of backbenchers to bring forward bills. We consider that the focus on an actual legislative proposition—whether or not its promoter expects it to reach the statute book in anything approximating to the form in which it is brought forward—has value.<sup>13</sup> The private Member’s bill procedure should continue to enable this “kite-flying” or campaigning to take place under its auspices. We also accept that the Government may suggest to Members that they might like to pilot through the private Member’s bill procedures a small and worthwhile legislative change—a handout bill—which it has not been able to bring forward itself.

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10 New Clause 3 proposed on report stage of the Children and Families Bill of Session 2013–14.

11 New Clause 6 proposed on report stage of the Energy Bill of Session 2013–14.

12 *Erskine May*, 24th edition (London, 2011), p 340.

13 Q 16, 17, 32, 101, 105, 202, 217f.

8. The picture emerging from the evidence we took, however, is one of a significant imbalance amongst these various purposes. Private Member's bill procedures serve well for the first three objectives. The 60 or 70 "ten minute rule" slots each year enable Members to raise awareness of issues of importance, to make interesting or innovative suggestions for legislative or policy change, or to initiate proposals which may ultimately persuade Government to put through changes in the law. And we accept that on occasions worthwhile changes have been made to the law by "handout" bills. But what has been largely missing from the private Member's bill procedures have been genuinely backbench propositions, not initiated by Government, being brought through all their stages and becoming law.

9. The fundamental problem with the private Member's bill procedures as they currently operate is that it is too easy for a small number of Members—whether or not acting at the Government's behest—to prevent a bill from progressing without giving the House as a whole the chance to come to a decision on it. Few private Member's bills are defeated by a deliberate and open decision of the House. The overwhelming majority that fail—and the overwhelming majority do fail—do so because of lack of time. An opponent of a private Member's bill—whether representing the Government or operating independently of it—seldom has to assemble significant support for his or her point of view in the way that the promoter of a bill has to do. All they have to do is ensure—typically by tabling large numbers of amendments at report stage<sup>14</sup>—that there are opportunities to keep talking until time runs out.

10. The difficulty of achieving legislative change—or rather, the ease with which legislative change can be resisted—has a number of consequences. The most obvious is the effect on the opposed bills themselves. We do not consider that the mischief is necessarily that the bills fail; they may be bills which for a variety of reasons do not deserve to become law. Rather, it is that the House never has the opportunity to come to a decision on them. That is frustrating to the promoter of the bill, naturally, but it is also the source of much dissatisfaction and even anger on the part of those outside the House who cannot understand how procedural tactics can be used to defeat what appears to be the will of the House. The strength of feeling on this issue was amply demonstrated not only by the evidence we took from the Chief Executive of the Royal Society for the Prevention of Accidents concerning the Daylight Saving Bill of 2010–12,<sup>15</sup> but by the many submissions we received—unsolicited—from members of the public about the fate of the same Bill.

11. The ease with which a bill can be defeated has further consequences for the effectiveness of the private Member's bill procedure as an opportunity for backbenchers to promote legislative change. It undermines the effectiveness of both kite-flying and campaigns for legislative change—the first two of the objects we set out above—because the Government knows that it will never have to engage seriously with the propositions which are being put forward: they can simply be kicked into the long grass. And more significantly—and more insidiously—it tilts the balance away from backbenchers and towards the Government in the choice of bill brought forward in the first place. If the choice offered to a Member successful in the ballot is between on the one hand a bill of

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14 Q 61

15 Q 186

whose benefits he or she is persuaded, but of which the Government is not yet persuaded and which it will consequently kill off, and on the other a Government handout bill which may mean little to the Member concerned but which they know they can pilot through to the statute book, it is hardly surprising if the Member opts for the bill which they will later be able to point to as an Act of Parliament and say “I achieved that.” Add to that the pressure which the Government whips are likely to place on those Members, especially on their own side, to further its own legislative programme, and it is clear why 90% of the private Members’ bills successful in the last Session were Government handout bills.

12. Furthermore, the ease with which a private Member’s bill can be defeated disenfranchises other Members who may wish to support a bill. Members told us that although they or their colleagues may want to support a private Member’s bill, they would not give up valuable constituency time on a Friday to do so because of the slightness of the chances of a bill progressing.<sup>16</sup> It is not merely the fact that private Members’ bills are considered on a Friday which deters Members from being present to support them. Where a bill is perceived to have a chance of passing, they can and will do so. Rather, it is the fact that in the overwhelming majority of cases, their time in supporting a bill attracting even a minimum level of opposition is highly likely to be wasted.<sup>17</sup> At report stage, the lack of any means to timetable a bill means that those Members who have made time to be present to support a bill will often have to stand by mute, unable to counter the arguments put forward by those opposing the bill, because to do so would use up time and contribute to its loss.

13. The private Members’ bill process is also misleading to the public and to the interest groups who seek to use it to advance legislative change. We have already noted the dissatisfaction, even anger, which may result from the use of procedural tactics to defeat a bill. More widespread are the unrealistic expectations which the process fosters about the chances of success of a private Member’s bill.<sup>18</sup> Members will be very familiar with press and broadcast media stories which refer to a bill “due to be debated on such-and-such a date” when in practice there is almost no chance that it will be reached. Indeed some Members may be complicit in the misleading of the public which such statements represent, allowing as it does the impression of action and progress where none in fact exists.<sup>19</sup> Far too many items are allowed to stand on the Order Paper which purport to be bills, but which have no chance even of being debated, let alone of becoming law. Indeed many of those supposed bills do not even exist as a bill and are nothing more than a long title—a general description of the purposes of the bill—and an intention in the mind of its promoter. This issue manifests itself in Members’ working lives not least as a deluge of e-mails from constituents urging them to be present on a Friday to support a bill which has no chance of progress.<sup>20</sup>

14. Confusion and unrealistic expectations also result from the lack of transparency in the private Members’ bill process. That was amply demonstrated in the evidence we took from

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16 Q 68, 159

17 Q 68

18 Q 160

19 Q 15 (Dr Fox), Q 160 (Mr Hamilton)

20 Q 148 (Sir Alan Haselhurst), 156 (Mr Hamilton)

the representatives of two organisations which had tried to engage with the private Members' bill process,<sup>21</sup> and was recognised also both by Members and by House officials.<sup>22</sup> The role of the Government in the process is particularly unclear. It is entirely legitimate for the Government to oppose a private Members' bill and to use its majority in the House to prevent it from passing. But, as we have seen, instead other means are too often found of delaying a bill and defeating it through lack of time instead of through a vote in the House. Government Ministers themselves may “talk out” a bill, preventing progress: that is clear enough. But as backbencher Philip Davies told us, it will often be playing a role behind the scenes as well:

[...] the only time I ever find popularity with the Whips Office is on a Friday, when we find a common purpose. If they want a Bill talked out and think that I might share that particular view, they are happy for me to do that. I do not want to speak for Chris [*Chope, giving evidence alongside*], but I am sure that we have both had occasion when, in effect, we have felt—even if we have not been instructed—that the Government were happy to let us talk the Bill out. We would then get all the brickbats that go with that, but they were happy that we were doing it because they did not want to get their hands dirty.<sup>23</sup>

Chris Bryant, a former Deputy Leader of the House, confirmed that such tactics were used in Government.<sup>24</sup>

15. Other means are also available to the Government of delaying or frustrating progress on a private Members' bill without defeating it in a vote. Standing Order No. 84(5) prevents more than one committee on a private Member's bill from sitting at any one time unless sanctioned by the Government. And the requirement for a money resolution—which may only be tabled by a Minister—before any bill which involves the expenditure of any public money can be proceeded with in committee affords the Government another opportunity to hold up a bill and—again—use against it the shadowy weapon of time instead of the clear method of defeat in division in the House.

16. Dr Ruth Fox of the Hansard Society told us:

I think these [procedures] are opaque. If you are an interested member of the general public who has expressed an interest in a particular campaign issue or a particular campaign group that is encouraging interest in a Bill, I think it is quite difficult for that member of the public who is following it and taking an interest to understand why it is that their Bill either does not get debated at all if it is on the Order Paper, or, as with something like the Live Music Bill earlier this year, you have hours and hours of debate on the Daylight Saving Bill and then the Live Music Bill goes through without objections, and that has not been really debated at all in the Chamber at any stage. I think it is just very difficult for them to understand. [...] I would much rather a situation where whatever process you have in place the Government has to be open

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21 Q 160, 177, 195

22 Q 127, 138, 206f

23 Q 55

24 Q 153

in either its support or its objections. If a Bill is defeated, it is defeated. If it cannot command the majority support of the House, then so be it.<sup>25</sup>

17. As the comment above from Dr Fox suggests, one of the results of the opacity—even dishonesty—in the private Member’s bill procedure, and of the falsely raised expectations, is a missed opportunity for engagement with the public and civil society. Joan Walley told us:

Private members bills are an increasingly rare example of widespread civic participation in our political process. My experience is that many people contact their MP in support of a private Member’s bill but they often have their hopes dashed when the bill is either filibustered or not debated at all. This leads to a sense of disillusionment amongst the public, is damaging to the political process and risks a growing disconnect between politicians and the public.<sup>26</sup>

Dr Rowena Daw of the Royal College of Psychiatrists explained the opportunities which could arise from a process which enables a bill to originate from somewhere other than the Executive:

I am coming at it from the angle of a large number of stakeholder organisations outside Parliament, who get together and who come up with the essence of a Bill. [...] Some issues [...] are seen to be of a general good, and [...] there is a lot of work done and a lot of negotiating, which would include with the civil service. [...] You have a genuine situation where you have a much wider section of society drawing something up and it seemed to be a good thing. It is bipartisan, perhaps. It has brought together a lot of sections of society. What is wrong with that then being the basis of a set of principles that are then drawn up for Parliament?<sup>27</sup>

As Tom Mullarkey of RoSPA suggested, “If you can reform this situation, so that it becomes transparent and it actually works and it empowers Parliament and more of us people to engage in politics, then it will have been a great success.”<sup>28</sup>

18. Members themselves bear a great deal of responsibility for this situation. Too few understand how to get a bill through the private Members’ route and the amount of work which is necessary to be effective—not only inside the formal legislative procedures in the House, but, crucially, outside the House, working with experts and interest groups to negotiate with the Government and produce a bill which is acceptable to the Government.<sup>29</sup> Too many have been willing to take the option of furthering the Government’s legislative programme with a handout bill instead of using the procedures for debate and scrutiny of backbench legislative propositions. And although it is hard to be critical of Members for wishing to devote themselves to constituency work on a Friday, it is the collective unwillingness of the House as a whole to attend on Friday and support—or oppose—private Members’ bills which enables a small group of “Friday enthusiasts”,

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25 Q 26

26 P 73, 2012–13

27 Q192

28 Q 203

29 Q 170–172, Q 349

together with the Government whips, to exercise the degree of control over the private Members' bill process which has become the norm.

19. But this is a vicious circle. The likelihood of a bill being killed off by a very small number of opponents, with the Government's connivance, means that Members who support a private Member's bill are reluctant to put the necessary time and energy into promoting it, including by attending the House on a Friday when they are often expected to be working in their constituencies. Furthermore, it means that Members successful in the ballot are easily persuaded to take through a small and uncontroversial piece of Government legislation—a "handout" bill—instead of using the private Members' bill process for what it is intended for—debate of legislative propositions from private Members. The result is that the so-called "private Members'" procedure has become primarily a means of passing Government bills which the Government has not managed to find time for in its own programme, combined with an opportunity for debate on matters of their own choosing for a small number of Members who understand how to play the system. True, one or two Members—generally from the Opposition—who are more resistant to the blandishments of the Government Whips and who are fortunate enough to come high up in the ballot may get a day's debate on their bill. And success may be achieved with a bill of their own choosing by those Members who are prepared to put in the preparatory groundwork, secure agreement across the House and work with the Government to overcome its default opposition to any idea "not invented here"—if they manage to be successful in the ballot (or persuade a Member who is successful in the ballot to take up their bill instead of one being pressed on them by the Government Whips). But for the most part, the private Member's bill process fails to live up to its potential as the mark of an independent legislature. Instead, as Chris Bryant put it,

[...] it is a transvestite travesty on a Friday: it is pretending to be something that it is not. It is pretending to be a legislative process, and it is not; it is a grandstanding occasion.<sup>30</sup>

## Objects of reform

20. It should not be easy to pass a bill through the private Members' route and see it become law.<sup>31</sup> There must be appropriate time for debate and scrutiny of the bill, and opportunity for those opposed to it to have that opposition heard and, as necessary, expressed in a vote or votes in the House. It is not our intention to facilitate the passage of bills into law through the private Members' route.

21. Rather, we consider that reform should have two objects:

- to increase the transparency of the process so that interested parties—both inside and outside the House—understand what is happening; and
- to ensure that the process is a genuine opportunity for debate, scrutiny and, if it is the will of the House, passage of a backbench legislative proposition.

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30 Q 136 (Chris Bryant)

31 Q 8, Q 328

The proposals which we put forward below are intended to achieve those two aims.

## 3 Ensuring the process is an opportunity for private Members

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### Timing of debate

22. In our report on sitting hours and the Parliamentary calendar,<sup>32</sup> we considered the arguments for moving consideration of private Members' bills away from Fridays to an earlier weekday evening. We said:

59. We have [...] given careful consideration to the proposition of moving consideration of private Members' bills from their current Friday slot in the parliamentary week to a Tuesday, Wednesday or Thursday evening. This option found much support amongst Members who regard Fridays as an important day on which to undertake constituency work, and who are reluctant (or recognise the reluctance of colleagues) to forgo a day with their constituents to secure the passage of a Bill which, because of the nature of the rest of proceedings on private Members' bills, is unlikely ever to become law.

60. There are two main arguments against this reform. The first is that increased attendance of Members for votes on private Members' bills would cut both ways. Whilst under current procedures the difficulty of ensuring attendance enables a small number of Members to block passage of a Bill, at the same time it also shields bills—at least those for which debating time is available—from too much attention from the whips. Whilst it is true that no private Members' bill is likely to become law without at least tacit support from Government, a determined and well-supported Member can pilot a piece of legislation through the House by the private Members' route under current procedures where, if it were whipped business, it would be likely to be crushed by a Government majority at an early stage. A move to an earlier weekday evening would, we foresee, be likely to cause a substantial change in the whole nature of private Members' business, taking control largely out of the hands of private Members and into those of the whips. We note that our predecessors on the Modernisation Committee, considering this issue in 2005, reached a similar conclusion.

61. The second argument made against a change to a weekday evening for private Members' bills is that it would run counter to the whole thrust of recent sitting hours reforms, which has been to reduce late-night sittings. Especially when considered alongside the reason adduced above—that private Members bills taken at a time when all Members could expect to be present would thereby be likely to become whipped business—it is apparent that the House would be creating a day of business in the Chamber lasting some eleven hours, potentially finishing at 10.30 pm or later. As both the House's trade unions and the Clerk as Chief Executive of the House Service told us, such a change would also have adverse consequences for the staffing



of the House (where many of those involved in the later sitting would also be required early the next day, breaking legal working time limits) and probably additional expenditure. In particular, a move to a Tuesday or Wednesday evening would have knock-on effects affecting earlier sittings on the following day. It is not apparent to us that such reform would be conducive to the effective working either of the House or of individual Members.

23. Noting that these arguments did not apply with the same force to a move to Thursday evenings, we went on to say that we did not wish to rule out a move away from Fridays, but that further work would be needed on the procedural consequences before a firm proposition could be brought to the House. We proposed therefore to test the willingness of the House in principle to make the move by putting forward a motion for debate. Our intention was to bring such a motion forward in September 2012, subsequent to the debate on sitting hours which took place in July; but it was pre-empted by a motion tabled by Dame Joan Ruddock at the time of the sitting hours debate which, despite the then Chair's request that it not be moved so that a separate debate could be held later,<sup>33</sup> was moved and defeated.<sup>34</sup>

24. We have considered the question of the timing of consideration of private Members' bills again in the light of the decision of the House on Dame Joan's motion and of our further consideration of private Member's bill procedures. Dame Joan's motion referred only to Tuesday evenings, ignoring both Wednesday evenings and the possibility which we canvassed in our report of considering private Members' bills on a Thursday evening, and was brought forward before we had had the opportunity to undertake the detailed consideration of the procedural consequences which was necessary for a fully informed decision to be made. Nevertheless the vote on that motion failed to demonstrate a clear desire on the part of the House to move away from Fridays for consideration of private Members' bills. Furthermore, we consider that the arguments which we set out against such a move in our report on sitting hours continue to have force.<sup>35</sup> As we set out below, we consider that there may be merit in holding some whipped votes on private Members' bills at a time when the whole House is likely to be present. We do not, however, believe that the interests either of Members or of the private Member's bill process itself would be well served by moving it in its entirety to a Tuesday, Wednesday or even Thursday evening. Instead, we set out below alternative means of solving the problems posed by the difficulty of securing the attendance of Members on Fridays, whilst leaving the detailed debate and scrutiny of private Members' bills on those days. **We recommend that thirteen Fridays a year continue to be appointed for consideration of private Members' bills.**

### Choice of bills to be debated in private Members' time

25. The current, and longstanding, means of determining which private Members' bills have precedence is the ballot. The ballot has much to commend it: it is fair, in that every

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<sup>33</sup> HC Deb, 11 July 2012, col 339.

<sup>34</sup> *Votes and Proceedings*, 11 July 2012, p 239.

<sup>35</sup> Q 319

Member has an equal chance of success; it is not susceptible to manipulation by the party whips; and it is well-established and well-understood.<sup>36</sup>

26. We heard an argument that the deficiency of the ballot is that it cannot be sure to select the bills which are most deserving of being given the chance of debate and decision. It was suggested in evidence that, as an alternative to the ballot, selection of the bills to be brought forward in private Members' time might be by the collection of signatures in support of them.<sup>37</sup>

27. Under such a procedure, the private Member's bill process would start with backbench Members attracting support from fellow Members for the legislative proposition which they wished to bring before the House. They would do so by collecting signatories, or supporters, for a bill which they intended to introduce. Supporters would be backbench Members. No Member would be permitted to be a supporter of more than one bill. To minimise the potential for manipulation by the party whips, and to avoid the use of the procedure for overtly partisan measures, at least ten of a bill's supporters would need to be drawn from each side of the House.<sup>38</sup> Instead of the ballot, precedence for the introduction of private Members' bills would be accorded to the bills which had attracted the greatest number of signatures.

28. The process of attracting supporters for a bill would be likely to begin well before the start of a new session. Indeed the bills for which Members would attempt to attract supporters could be expected often to be ones which had already been widely discussed inside and outside the House. A Member who had put in the necessary work with outside interest groups, with the Government, and with the public, and could show that their bill was necessary, had been effectively drafted and took account of the views of interested parties and the Government, would be in a much better position to demonstrate to their colleagues that it was worthy of their support and of being piloted through the private Members' bill procedure.<sup>39</sup>

29. This procedure could not be expected to work in the first session of a Parliament, following a general election, when there would not have been the opportunity for Members to gather support for their bill in advance of the new session. In the first session of a new Parliament, the existing ballot system for private Members' bills would operate.

30. The disadvantage of this alternative system is that even the requirement for cross-party support for a bill does not completely eliminate the risk that it will be captured by the whips. The random nature of the ballot gives every Member an equal chance of the opportunity to bring forward a bill and, with the front benches not expected to enter, leaves the choice of bill in the hands of those individual private Members who have been successful.

**31. We recommend that the House be invited to decide between retention of the ballot for the selection of bills to be brought forward for debate in private Members' time, and**

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36 Q 20 (Dr Fox)

37 Q 78, 140, 144

38 Q 352

39 Q 20

the introduction of a procedure for the collection of supporters to determine precedence for debate in that time.

### Timetabling of private Members' bills

32. Timetabling—or programming—is now an established feature of the House's consideration of legislation. Although its operation is far from perfect,<sup>40</sup> the principle of programming is widely (if not universally) accepted across the House. Implemented well—in particular, with appropriate consultation across the House on the timetable for a bill—it enables appropriate debate and discussion of a bill whilst preventing the delay of a bill's passage by procedural tactics or filibustering.

33. It is this outcome which we wish to achieve in the private Member's bill process. Particularly at report stage, though to a lesser degree also at second reading, passage of a bill can be frustrated not by the will of the House expressed through a division, but by a small number of Members—sometimes a single Member—simply talking for long enough that there is no opportunity for the House to take a decision. There are a number of adverse consequences. The ability of a small group of Members to defeat a bill discourages Members from attending on a Friday to secure the passage even of a well-supported bill. Filibustering—that is, talking at length to ensure that a bill runs out of time, which can be done without formally breaching the rules of the House—skews debate and prevents proper scrutiny and discussion by discouraging supporters of a bill from contributing to debate.<sup>41</sup> And the inability to bring a bill to a decision brings the House and its procedures into disrepute in the eyes of the public.<sup>42</sup>

34. We have accordingly considered means of enabling appropriate timetabling of private Members' bills. We have identified two possible solutions, which we invite the House to decide between.

#### *Timetabling—option 1*

35. Under the first option, Friday sittings would be arranged so as to allow a guaranteed debate and vote on two bills on each of the first seven (“second reading”) private Members' Fridays. Each bill would be timetabled for two and three quarter hours, after which the question on second reading (preceded by that on any reasoned amendment, if selected) would be put.

36. Two and three quarter hours is likely to be entirely adequate for the second reading debate of a private Member's bill. By convention, second reading of a Government bill takes one day. A full day's debate would be six to six and a half hours; but once statements, urgent questions and any other preliminary business have been disposed of, is usually significantly less than that. Furthermore, private Members' bills, which may not have as their main purpose the authorisation of public expenditure, or the creation of a new tax, a

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40 Procedure Committee, *Sitting hours and the Parliamentary calendar*, paras 67–73.

41 Q 68, 70

42 Q 186

tax increase or similar kind of charge, by their nature tend to be shorter and address less weighty and controversial matters than Government bills.

37. This proposal would require a modest rearrangement of Friday sittings. Currently, the House sits at 9.30 am on a Friday, with the moment of interruption at 2.30 pm and a finish at around 3.00 pm after the half-hour adjournment debate. If the House were to sit at 9.00 am, and the final half-hour adjournment debate were to be abolished on a Friday, it would be possible to hold two debates of two-and-three-quarter-hours each, with one or (less commonly) two votes after each, and finish at around the same time as at present. If a Ministerial statement were made at 11.00 am on a Friday—which is unusual<sup>43</sup>—then the time taken for the statement would be added to the end of the debate, and there would be a later finish time. If debate on either of the first two bills were to be concluded in less than two and three quarter hours, debate could take place on a third (and possibly further) bills. These bills too would be subject to a maximum of two and three quarter hours' debate, after which the question on second reading would be put, but if debate on such a bill were still continuing at 3.00 pm it would be interrupted and resumed at a later sitting, if the bill were reached again.

38. A bill which passed its second reading would then be committed, as usual.

39. On its return to the floor of the House for consideration on one of the six “later stages” Fridays, the promoter of the bill would be able to move, immediately before consideration of the bill, a programme motion providing for debate to be concluded after a set period of time. The motion could also provide for internal “knives” bringing debate on particular parts of the bill to a conclusion. The programme motion would be debateable for up to 45 minutes, and amendable. Before it could be moved, it would have to be signed by at least 20 Members from each side of the House; and it would need to provide for a reasonable time for debate which commanded the support of the House in a vote, if necessary.

40. The ability to move a programme motion would apply to any bill reaching the floor of the House for consideration, and the programme motion could set any amount of time for debate the promoter considered would command the support of the House. Thus if debate on the first bill on any given Friday concluded, a programme motion could be moved in respect of the next bill on the Order Paper, and so on. If debate on any such programmed bill could not be concluded before the moment of interruption on any given Friday, the bill could be set down for debate on a later Friday and, if reached, brought to a conclusion after the remaining programmed time had elapsed.

### ***Timetabling—option 2***

41. The second option would apply programming to only a limited number of bills in each session. We have considered two possible means of selecting the bills to which programming would apply.

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<sup>43</sup> The most recent examples of Ministerial statements made on Fridays are 12 June 2009, 18 March 2011, 22 March 2012, 2 November 2012 and 18 January 2013.

*“First come, first served”*

42. One means of selecting which bills would be subject to programming would be to apply it only to the first bill set down for debate on any particular Friday. At second reading, the question on that bill would be put automatically, without the need for closure, after a maximum of a full Friday’s debate (debate might, of course, conclude earlier than that). At report stage, the promoter of the bill appearing first on the Order Paper on a given Friday would have the option to table a programme motion which could provide for a maximum of not less than a full day’s debate on the bill (disregarding, in this case, any time taken by a Ministerial statement). The programme motion would be debateable for up to 45 minutes, and amendable. Before it could be moved, it would have to be signed by at least 20 Members from each side of the House; and it would have to be approved by the whole House, on a division if necessary.

*Initial consideration and vote in ‘ten minute rule’ slot*

43. Alternatively, we have considered a procedure whereby the whole House could consider and vote on whether a private Member’s bill should be programmed. Towards the end of the session prior to that in which the bills were to be presented, a number of proposed bills would be subject to a short debate and vote, one at a time, on a motion for leave to bring it in, taken at the time currently used for ten minute rule bills. The Member promoting the bill would make a short speech, followed by the opportunity for a single short speech opposing it. The proposed bill and a programme motion which would apply to it, providing for a timetabled second reading debate, a maximum number of sittings in committee and a timetabled report stage, would then be subject to a single vote in which all Members could participate.

44. Taking place in the ten minute rule slot, such a vote (if necessary—the bill and programme motion could pass without a vote) would enable the whole House to endorse (or not) the proposed bill and the timetable for it.<sup>44</sup> Making both the bill and the timetable for it subject to a single vote would encourage the Member in charge to put forward not only a bill which is likely to command support across the House, but also a reasonable timetable for its debate and scrutiny. There would be certain minimum requirements for the timetable. The minimum time for second reading should be three hours’ debate, and for report stage one day. A supplementary programme motion moved on the day of report stage could provide for internal knives taking account of the selection and grouping of amendments. If necessary, a further supplementary programme motion could be moved and taken forthwith on consideration of Lords Amendments, providing for a minimum of one hour’s debate.

45. Following the vote on a motion to bring the bill in, further proceedings on these programmed bills would then take place on private Members’ Fridays and in public bill committees as at present. Each bill would need to pass second reading, on which there could be a vote (at the end of the time for debate set by the programme motion), and would then go into committee. Once reported from committee, the bill would have a

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44 Q 19, 20, 55 (Rebecca Harris)

report stage on the floor of the House which would, again, be brought to a conclusion in accordance with the programme motion.

46. These votes, taken at the rate of one per day in the place of ten minute rule motions, would continue to take place until either the desired number of bills to be programmed had been agreed, or no further eligible bills were brought forward. We suggest that a maximum of five programmed bills should be allowed for. That would leave at least two full sitting Fridays for the debate of other private Members' bills at second reading, and at least one later-stages Friday for the consideration of any Lords Amendments to programmed private Members' bills not disposed of earlier.

47. The advantage of such a procedure would be that the Government, using its majority in the House, would have the chance to defeat a bill to which it is opposed in principle at an early stage, preventing the House from wasting time debating it. The endorsement of the whole House at this stage, on the other hand, would provide a powerful legitimisation of the programming of the bill, demonstrating that this was a bill which should be brought to a decision and not killed off by procedural tactics or filibustering by a small number of opponents.

48. There remains the question of how the bills to be subject to these votes would themselves be selected. The procedure would work particularly well in conjunction with our suggestion of the advance collection of signatures in support of bills. Bills would be put to the House one by one in order of the number of signatures they had collected, continuing down the list until either the desired number of programmed bills had been given leave to be brought in, or no more eligible bills remained. Alternatively, if the ballot were to be relied upon, Members successful in the ballot who wished their bill to be subject to programming could, again, put their bills, one by one, to the House for leave to bring them in. An adverse vote at this stage would amount to refusal of leave to bring the bill in, meaning that the bill could not be taken any further; so Members not wishing to risk an adverse vote could opt out and instead simply put their bill down for debate without programming.

49. Under this option, other bills could be debated on private Members' Fridays without being timetabled, if proceedings on timetabled bills concluded before the moment of interruption. Those bills—which would be those coming lower in the ballot, or which had not been brought forward through the initial vote at the time of ten minute rule motions—would continue to be susceptible to being “talked out” if sufficient time had not been available for debate.

**50. We recommend that the House be invited to decide whether it should be possible to programme private Members' bills. If it decides in favour of the principle of programming private Members' bills, we recommend that it be offered the choice between the two means of programming bills which we set out here.**

### Third reading

51. As we have already discussed, one of the problems with the private Members' bill procedure is that their position in the Parliamentary week discourages Members from attending for debates and votes. Theoretically, a private Member's bill could pass on a vote

of 18 Members in favour to 17 against. Whilst, as we said at the start of this chapter, we do not consider that it would be in the interests either of Members or of the private Member's bill process itself for the process to be moved in its entirety to a Tuesday, Wednesday or Thursday evening, there is an argument for enabling the House to make a final decision on a bill at a time when all Members are able to be present. That could be done by providing for the debate and vote on third reading of a private Member's bill to take place not on a Friday, but earlier in the week.

52. We have, once again, two possible means of effecting such a proposal. The first is to provide for the third reading vote to take place on a Tuesday or Wednesday at the time which would normally be devoted to a ten minute rule motion. In place of the usual third reading debate, the promoter of the bill would speak for a maximum of ten minutes, followed as necessary by a short speech from any opponent of the bill and—again, as necessary—a vote. The alternative would be to provide for a longer debate—say, an hour, which is the maximum time normally provided for third reading of a programmed Government bill—which could take place following conclusion of the main business on any convenient day.

**53. We recommend that the House be invited to decide whether third reading of a private Member's bill should be taken on a day other than a Friday; and if so, which of the two alternative means we propose of taking such a vote it favours.**

### Enabling the House to come to a decision on our proposals

54. We have proposed that the House be invited to come to a decision on:

- the means of choosing which bills may be brought forward for debate in private Members' time;
- whether private Members' bills should be able to be programmed, and if so by which of the means we have proposed;
- whether third reading of a private Member's bill should be taken on a day other than a Friday; and if so, which of the two alternative means we propose of taking such a vote it favours.

The House may, of course, decide that it prefers to make no change to the existing procedures, and vote against all the proposals we have put forward.

55. A decision, or decisions, in favour of change would necessitate a two-stage process. After initial debate on our report, we invite the House to come to a decision in principle on how it wishes to proceed in respect of each of the proposals we have brought forward. We would then take the result of those decisions and, as appropriate, prepare the standing order changes necessary to put them into effect. Those changes would then need to return to the House for final decision.

56. The motions to be put to the House in the first instance, then, would be as follows:

PRIVATE MEMBERS' BILLS (MEANS OF CHOOSING)

That this House favours the retention of the ballot as the means of choosing which bills are given precedence for debate in private Members' time.

To which an amendment may be moved to leave out "the retention of the ballot" and insert "a procedure for the collection of supporters".

#### PRIVATE MEMBERS' BILLS (PROGRAMMING)

That this House considers that it should be possible to programme private Members' bills.

#### PRIVATE MEMBERS' BILLS (PROGRAMMING) (NO. 2)

That this House considers that programming should be available to any private Member's bill, in accordance with the option set out in paragraphs 35 to 40 of the Procedure Committee's report.

#### PRIVATE MEMBERS' BILLS (PROGRAMMING) (NO. 3)

That this House considers that programming should be available to only a limited number of private Members' bills in a Session, and favours the 'first come, first served' means of programming private Members' bills set out in paragraph 42 of the Procedure Committee's report.

To which an amendment may be moved to leave out from "favours" to the end of the question and insert "the means of programming by initial consideration and vote in a ten minute rule slot set out in paragraphs 43 to 49 of the Procedure Committee's report."

*Motions No. 2 and No. 3 would fall if the first motion on programming were negatived, and No. 3 would fall if No. 2 were agreed to.*

#### PRIVATE MEMBERS' BILLS (THIRD READING)

That this House considers that the question on third reading of a private Member's bill should be put after a single short speech in favour, followed if necessary by one in opposition, taken at the time of a ten minute rule slot on a Tuesday or Wednesday.

To which an amendment may be moved to leave out from "after" to the end of the question and insert "an hour's debate taking place following conclusion of the main business on a day other than a Friday."

*Members wishing to leave third reading on a Friday would vote against both the amendment and the main motion.*

## Speech limits

57. We have considered the use of the Chair's power to set limits on speeches (under Standing Order No. 47) as a means of dealing with the problem of filibustering on private Members' bills. The Chair does not currently use these powers in respect of speeches on private Members' bills, because those debates are open-ended and there is no fixed amount of time to divide between those wishing to speak. The result, as we have seen, is a freedom



for Members to speak at excessive length in an attempt to talk a bill out, and the perverse consequence that supporters of a bill feel constrained from expressing their support in the House.

58. In so far as debate remains non-time-limited, we do not consider that a change in the Chair's approach would be appropriate. That is because a decision to impose time limits in such circumstances would risk engaging the Chair not just in ensuring compliance with the rules of the House, but in securing the passage of legislation, which is not properly the Chair's role.<sup>45</sup>

59. In this context, the introduction of programming for a private Members' bills at second reading, report stage and (as necessary) consideration of Lords Amendments would have two particular advantages. First, it would of course make filibustering tactics less effective, since where a programme motion was in place the House would be required to reach a decision. Secondly, programming would allot a fixed time for debate, and therefore make it appropriate for the Chair to impose speech limits where necessary to enable all those who had indicated a desire to speak to do so.<sup>46</sup> **Acceptance of our proposals for the programming of private Members' bills would enable the Chair to invoke the powers granted by Standing Order No. 47 to impose speech limits during debate on such bills.**

## 4 Increasing transparency

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### Pre-legislative scrutiny

60. The merits of pre-legislative scrutiny have been widely acknowledged. Increasing numbers of Government bills are being made available in draft for such scrutiny before being formally introduced into one or other House. One 'handout' bill taken through the private Members' route in the 2012–13 Session, the Antarctic Bill (now Antarctic Act 2013), had earlier been published in draft and the bill presented took account of some of the comments made in consultation.<sup>47</sup> The benefits of pre-legislative scrutiny of private Members' bills were stressed by a number of those who gave evidence to us.<sup>48</sup>

61. We agree with those of our witnesses who, whilst applauding the idea of pre-legislative scrutiny, argued that it would not be appropriate to make private Members' bills subject to any formal requirement for such scrutiny. That would be too restrictive and potentially excessively demanding on a private Member. Nevertheless we consider that it would be desirable for the House to facilitate the publication of bills in draft for comment before they are printed and debated at second reading. **We recommend that there should be sufficient flexibility in the timing of the ballot and the presentation of the ballot bills—or the votes on leave to bring in bills—to enable the House authorities to publish those bills in draft, and the promoter of each bill to collect any comments and take them into account before finalising the text of the bill and getting it printed before second**

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45 Q 263

46 Q 82 (Rebecca Harris)

47 *Antarctic Bill*, Research Paper 12/63, House of Commons Library, October 2012.

48 Q 45–47, 334, 349, 351

**reading. We consider that that period should be at least four weeks.** It would be for the promoter of the bill to decide whether to subject the bill to such consultation.

### **Listing of bills on the Order Paper**

62. Current practice enables the titles of bills to be left on the Order Paper throughout a session. When a bill is presented, it is given a formal first reading with no debate or decision, and a day—normally one of the days appointed as those on which private Members’ bills have precedence (private Members’ Fridays)—is named for second reading. At this stage, there will often be no actual bill, in the sense of a fully drafted piece of potential legislation.<sup>49</sup> Rather, a “bill” will when it is presented and given a “first reading” usually consist only of a “long title”, that is, a list of the intended purposes of the bill, and its short title. A fully drafted bill does not have to be produced until the day before it appears on the effective Order Paper for debate.<sup>50</sup>

63. The titles of all the bills set down for particular days are listed under the date concerned in the “Future Business” section of the Order Paper. The Order Paper for each private Members’ Friday lists all the bills set down for that day. In practice, no more than five or six at the most—and more usually only one or two—will be reached for debate. Consequently a Member whose bill appears a long way down the list will often name a later date for second reading instead. Naming a later day also obviates the need to have the bill printed—that is to say, replace the “long title” with a fully drafted bill. If a bill remaining on the Order Paper for the day concerned is not reached for debate, or if debate is not concluded on it, then at the end of business the Member in charge of the bill may, if it is objected to, name a further day for second reading.

64. In practice, the early slots on each private Members’ Friday—that is, the slots which actually have a chance of being reached for debate—are filled very early in a session by the twenty “ballot” bills and the bills brought in by Members prepared to queue overnight in the Public Bill Office for the first opportunity to present a bill thereafter. As the session continues, the list is lengthened by “ten minute rule” bills, further “presentation” bills and any bills which pass all stages in the Lords. It is very unusual for any of these bills to be reached for debate, and they only make progress if they receive no opposition at all. Nevertheless the practice of the Members in charge of such bills is to continue to name dates for second reading through the session, meaning that their bill stays on the Order Paper (under “Future Business”) throughout the rest of the session. The suggestions which we make above for the programming of a small number of private Members’ bills each session would make no difference to this situation.

65. The result is that the Order Paper is being used as an advertising opportunity instead of a genuine indication of matters for debate and scrutiny. As a consequence expectations may be raised of debate or even passage of a piece of legislation when in fact it may not even exist except in the mind of its promoter. Members will be familiar with media stories which state “On Friday, MPs will debate such-and-such a bill” when the bill concerned is

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49 Q 227ff

50 Q 228

so far down the list that there is virtually no chance that it will be reached.<sup>51</sup> They will be even more familiar with the e-mails from constituents urging them to be present in the House to support such bills, even though there is next to no chance of debate and a single voice of objection is enough to halt further progress.

**66. We consider that what appears on the Order Paper should be only actual bills which a private Member desires that the House should debate.** As Angela Eagle, the shadow Leader of the House, said to us, “The more that our Order Paper is understandable to someone who happens to pick one up, not knowing what it is and being able to look down it and understand what is going on, the better it is for this Parliament and the procedures that we have.”<sup>52</sup> The recommendations which follow are designed to achieve that end.

### *Listing of unprinted bills*

**67. We recommend that the order for second reading of a bill not appear on the Order Paper until the Speaker is satisfied that the promoter of the bill has made available for online publication an exposure draft of an actual Bill.** Publication of a such an online exposure draft would be a demonstration of a Member’s serious intent that the House be presented with an actual legislative proposition. Current practice is that a bill may not be listed on the effective Order Paper on a private Members’ Friday unless it has been printed. It will, however, be listed on “Future Business” under the day which has been named for second reading. As we have already noted, many such bills remain on future business throughout the remainder of a session, despite there being no chance of debate or progress. The exclusion of bills which do not actually exist even as online exposure drafts from that list would be a small but significant step towards the improved transparency and comprehensibility of the system,<sup>53</sup> as well as an encouragement to Members to treat the process as a serious legislating procedure, not merely an advertising opportunity. We do not wish to restrict the appearance in Future business only to bills which have been printed, since once printed a bill is fixed in form and may not be amended except during formal proceedings in the House. We are aware that Members may negotiate with the Government and others on the final form of their bill until the eleventh hour, and the opportunity to do so may be important. We do, however, consider that the promoter should be required to demonstrate their serious legislative intent by producing more than simply a “long title” before the bill can appear in the list of business to be considered.

**68. This recommendation would alter only what appears on the Order Paper under “future business”. We do not recommend any alteration to the rules for determining priority for debate on a private Member’s Friday. The Public Bill Office would continue to maintain a list of bills set down for particular days, and a bill set down before another which was published as an exposure draft before it would regain its place ahead of that bill once it was published as an exposure draft itself.**

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<sup>51</sup> See, for example, “PM considers making cigarette packets display graphic images of disease”, *The Guardian*, Wednesday 27 February 2013 (accessed through [www.guardian.co.uk](http://www.guardian.co.uk) on 30 April 2013), which says “On Friday MPs will consider a private Member’s bill, sponsored by the Labour MP Alex Cunningham and the Tory peer Lord Ribeiro, that would ban smoking in cars when children are present.” The Bill appeared 15th on the Order Paper on that day.

<sup>52</sup> Q 327

<sup>53</sup> Q 334

69. We recognise a danger that the result of this recommendation would not be the removal from the Order Paper of bills which are unlikely ever to be debated, but rather the publication online of exposure drafts of more bills which will never make progress. This would not be a good use of the resources of the Public Bill Office, which would be likely to bear the brunt of Members' requests to draft bills. If the evidence were to show that this was happening, we would consider the matter further.

*Listing of bills on days when private Members' bills do not have precedence*

70. We further recommend that Future Business list private Members' bills only when they have been set down for a day on which private Member's bills have precedence. It would remain possible for a Member to name a day on which Government business had precedence, or on which the House would not be sitting, and the Public Bill Office would maintain a list of bills named for such days, but they would not appear in the House's printed business papers. We anticipate that this would remove any incentive for the Member in charge of a bill to name any day other than one on which private Members' bills had precedence and avoid the misleading impression created by the publication of lists suggesting that such bills would be debated on those days.<sup>54</sup>

### Ten minute rule bills

71. Ten minute rule bills are debated first on a motion "That leave be given to bring in a bill to ...". Following a speech of no more than ten minutes in favour of the bill, and if anyone wishes to make one, a speech of similar length in opposition to it, the House either grants or withholds leave to bring the bill in. If granted, the Member bringing it in lists the supporters of the bill, brings the bill forward to present it formally at the Table, where its title is read by the Clerk, and names a day for second reading. At this stage, the bill presented is almost always nothing more than a "dummy bill", containing the names of the bill's supporters and a "long title". As described above, the bill will then tend to stay on the Order Paper for the remainder of the session, even though it stands virtually no chance of further debate or progress.<sup>55</sup> The Leader of the House suggested that the step of actually presenting a bill could be missed out:

there may be better ways of illustrating that [...], without changing the procedure, if somebody wants to bring in a bill, the motion could still give them leave to introduce a bill and so to that extent they would not lose anything by it. But it might be possible, in the absence of them publishing the bill subsequently—which many do not—you have created a distinction that people can see between what is effectively no more than a declaratory motion and what is an intention to promote some kind of legislation.<sup>56</sup>

72. We recommend that the expectation be removed that a bill will be immediately brought in if leave is granted after a motion is passed under the ten minute rule. Instead, if leave is granted, the Chair will ask the question "Who will prepare the bill?", and

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54 Q 207

55 Q 145. See also Q 356

56 Q 356

the Member in charge will name the supporters of the bill, but instead of then presenting the bill will simply resume his or her seat. It will still be possible for a Member subsequently to present a bill if desired, but that step will not be required as it is now.<sup>57</sup> We anticipate that, having taken advantage of the opportunity to raise the issue in “prime time” in the Chamber, the majority of Members would leave it at that instead of going to the trouble of continuing to put forward on successive private Members’ Fridays a bill which stands no chance of making further progress.

### Flooding the Order Paper with bills

73. For the first seven private Members’ Fridays in a session, bills are listed on the Order Paper in chronological order of the date on which that Friday was named for second reading, earliest first. On the final six Fridays, the same is the case, except that the later stages of any bills which have already been given a second reading will take precedence over them, the bills which have made most progress taking precedence.<sup>58</sup>

74. The first private Members’ bills presented in a session are the ballot bills, so the Members in charge of those bills will take the earliest slots. Members usually choose one of the first seven Fridays, to avoid the possibility of being “leapfrogged” by a bill which has already been read a second time and reported from public bill committee. The next opportunity to take a slot for second reading goes to the first bills presented immediately after the ballot bills. That opportunity is taken by Members prepared to queue overnight in the Public Bill Office so that they are the first to present a bill, or bills, after the ballot bills have been presented.

75. Since there is no limit on the number of bills which may be presented under Standing Order No. 57 (“presentation bills”), a single Member may present a large number of bills on the first available date following the presentation of ballot bills, and put those bills down for debate on all the vacant private Members’ bill days. That is considered to be unfair by those Members who bring in bills under the ten minute rule, present bills under Standing Order No. 57, or take up private peers’ bills passed by the Lords, later in the session.<sup>59</sup> Indeed it is possible for a single Member—the one at the front of the overnight queue—to take up all the available slots and crowd out other Members completely. In the unusually long 2010–12 Session, one Member anticipated that the Government would be expected to name more than the usual 13 Fridays for debate of private Members’ bills, and set down one or more presentation bills on all possible Fridays so as to secure the possibility of debate on those days for himself.

**76. We recommend that the possibility of a monopoly of the limited opportunities for debate of private Members’ bills by a single Member be reduced by providing that a private Member may present only a single bill on any one day.**

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57 Q 288

58 SO No. 14(10). The exception to the rule that the bill which has made most progress takes precedence is that bills which have not been considered at all at report stage take precedence over those whose report stages has already started.

59 Q 35

## Declaring the Government position on a bill

77. Our predecessor Committee, considering private Members' bills in 1995, urged the Government to declare its position clearly on second reading of a private Member's bill.<sup>60</sup> We agree, but consider that this is not sufficient, not least because so few bills obtain sufficient time on the floor of the House for a Minister to be called to speak on them.<sup>61</sup> The Leader of the House told us that "considerable effort and resources" are devoted inside Government to coming to a view on private Members' bills, even those which appear some way down the list on any given Friday.<sup>62</sup> We consider that it would be to the benefit of the House and in the interests of the transparency of the process to the outside world for the Government to declare publicly the position it has reached on all private Members' bills (not merely those which are fortunate enough to obtain a second reading debate). One particular advantage of a requirement on the Government to do so would be that it would help to make clear what are "handout" bills and what are genuine backbench legislative propositions.<sup>63</sup> A similar requirement—albeit at a slightly later stage in the process—is already in place for private bills, effected by means of a memorandum deposited in the Private Bill Office. **We recommend that the Government be required to make a written Ministerial statement on any private Member's bill which has been printed, before the day on which the Bill is first set down on the effective Order Paper for second reading.** The WMS would be "tagged" on the Order Paper next to the entry for each bill, enabling those interested to see easily what the Government's position was on any legislative proposition being brought before the House.

### *Deadline for printing of bills*

78. We recognise that it takes time to agree a position on a bill across Government.<sup>64</sup> Currently, a bill does not have to be printed until the day before it is listed for second reading. It would be to the benefit not only of Government, in establishing its position on a bill, but to the House as a whole—as well as interested parties outside the House—for bills to be printed earlier. **We recommend that the deadline for printing a bill—that is, producing a fully drafted piece of legislation, in place of a "long title"—be brought forward to the Wednesday of the week prior to the day of second reading.**

## Money and ways and means resolutions

79. Any bill whose consequences would include public expenditure can only proceed if the House has agreed a money resolution. In accordance with the Crown's exclusive right to initiate proposals for expenditure, a money resolution, which is an explicit recognition of a bill's financial implications, may only be tabled by a Government Minister. Without such a resolution, a bill given a second reading would be able to make little or no progress in committee.<sup>65</sup> Similarly, bills creating a new tax, tax increase or similar kind of charge can

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60 Fifth Report of Session 1994–95 (HC 38), para 34.

61 Q 80 (Philip Davies), Q 108

62 Q 351

63 Q 210

64 Q 349

65 Q 223

only proceed if the House has agreed a ways and means resolution, which again may only be tabled by a Minister.

80. Government policy is not to refuse a money or ways and means resolution to a bill which has passed second reading.<sup>66</sup> In at least one recent instance, however—the Daylight Saving Bill of Session 2010–12—there has been confusion over the reason for the delay in bringing such a resolution forward, with suggestions that the Government had deliberately delayed to hamper progress of the bill.<sup>67</sup> **We recommend that the Government be required to make a written Ministerial statement on the reasons for the delay if a money or ways and means resolution, where required, has not been put to the House within three weeks of a bill being given a second reading.**

## 5 Other changes

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### Motion for the House to sit in private

81. Standing Order No. 163 provides that, if at any sitting of the House, or in a committee of the whole House, any Member moves ‘That the House sit in private’, the Speaker or the chair shall forthwith put the question. In conjunction with Standing Order No. 41 (Quorum), this procedure has in the past been used to test whether a quorum is present for consideration of a private Member’s bill. If fewer than forty Members<sup>68</sup> take part in a division on a motion ‘That the House sit in private’, proceedings on the bill being debated at the time stand over, and the House moves on to the next business. Effectively, the procedure has been used as another means of defeating a private Member’s bill by ensuring that debate on it cannot be concluded.

82. In recent times, it has become the practice routinely to move ‘That the House sit in private’ before the orders of the day have been entered upon (i.e. before any bill is being debated). In these circumstances, an inquorate division has no practical consequences. Since the motion cannot be moved more than once at any sitting, moving it at the very beginning of business in this way prevents it from being moved at any other time and therefore protects the whole business of the day from being subject to what is in essence a quorum call. (An inquorate division during proceedings on the bill itself—for example, that an amendment be made—would of course have the same consequence of proceedings on the bill standing over.)

83. The consequence of the routine moving of the motion ‘That the House sit in private’ before the orders of the day on Fridays have been entered upon has been to render it a dead letter. It is now simply a waste of time, and adds to the lack of clarity about procedures on private Members’ Fridays. **We recommend that a motion ‘That the House sit in private’ no longer be permitted to be moved on a private Member’s Friday.** We note that Standing Order No. 163 provides that the Speaker or the chair may order the withdrawal of

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66 Q 345

67 Q 94, 110 (Charlie Elphicke)

68 That is, at least thirty-five Members voting, plus the four tellers and the occupant of the Chair.

those other than Members or Officers from any part of the House whenever he thinks fit, so the provision is not necessary for the purpose of enabling the House to sit in private.

### Public bill committees on private Members' bills

84. Standing Order No. 84A(5) provides that the Committee of Selection may not nominate a public bill committee in respect of a private Member's bill while proceedings in another public bill committee on a private Member's bill are still active, unless notice of a motion in support of that nomination has been tabled by a Minister of the Crown. Such a motion only needs to be tabled: it does not actually need to be passed by the House. We can see no remaining justification for the Government to exercise control over the private Member's bill process in this way, especially given that we understand that it is the Government's policy to table such a motion if requested in any case. **We recommend that the requirement be abolished for a motion to be tabled by the Government before a public bill committee in respect of a private Member's bill may be nominated while proceedings in another public bill committee on a private Member's bill are still active.** Any problems with timetabling or resources for committees on private Members' bills should be sorted out by the House authorities.<sup>69</sup>

### Name of private Members' bills

85. The name "private Members' bills" is the cause of some degree of confusion, since the term "private Member" is no longer well-known. "Backbencher" is now a more familiar and widely-used term. It is also easy for the uninitiated (and sometimes even the experienced) to confuse "private Members' bills" and "private bills".<sup>70</sup> **We recommend that, in the Standing Orders and elsewhere where reference is made to them, the term "private Members' bills" be replaced with "backbench bills".**

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69 Q 226

70 Q 11, Q 238



## 6 Conclusion

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86. As the process currently operates, the term “private Members’ bills” is a misnomer. In terms of the legislation emerging from the process onto the statute book, it is Government-dominated. In terms of the debates which are held on private Members’ Fridays, the position is a little better, in that at least private Members are largely in charge of them; but the process is dominated by a small number of Members who understand how to use the system and are prepared to play the Friday games necessary to do so. Meanwhile, the process allows the House’s business papers to be filled with “bills” which have no prospect of debate, let alone of becoming law, and which generate confusion and unrealistic expectations amongst the interested public. In short, the private Members’ bill process has lost its way.

87. Our aim is to restore the private Members’ bill procedure as a means of securing debate, scrutiny and decision on genuinely backbench legislative propositions. We recognise that the Government, which is responsible for putting legislation passed by Parliament into effect, has a legitimate interest in private Members’ proposals for legislation, and the right, indeed duty, to oppose it where it considers that necessary. Our proposals aim to enable the Government to express any such opposition openly and to defeat a bill, where necessary, by division in the House rather than by talking it out and denying the House the opportunity to come to a decision. Our recommendations are also intended to encourage Members to bring forward well-thought-out, well-supported proposals for new legislation which will be worthy of debate, scrutiny and, if it is the will of the House, passage into law.

88. Our recommendations are also intended to make the process more transparent and understandable to the outside world. The Order Paper should not be cluttered with bills which barely exist except as an intention in the mind of their promoter, and which will never be debated. Opportunities for debate should not be open to monopoly by a single Member prepared to queue overnight for the chance to present several bills at one point during the session. The Government should be made to declare its position in a published Ministerial statement on any private Members’ bill which a Member has taken the trouble to get printed. And the nonsense of starting each private Members’ Friday with an inconsequential division on whether the House should sit in private should be stopped.

89. As one of our witnesses reminded us, not every happy thought which occurs to a Member of Parliament deserves to reach the statute book.<sup>71</sup> But those Members prepared to work with colleagues and interested parties within and outside the House, to discuss their proposals for legislation with the Government and others who would be involved in putting it into practice, to gather support for their proposed bill, and to bring up a substantive legislative proposition for debate and scrutiny, deserve to have their bill properly considered and put to a decision by the House. The reforms of the private Members’ bill process put forward in this report are not intended to make it easier for a private Member’s bill to become law. What they are intended to do is to ensure that serious legislative propositions are treated seriously. The private Members’ bill procedures are

important to the House in both practical and symbolic terms. They help to demonstrate that it is an independent legislature. It is time to ensure that they are enabled to do just that.

## Conclusions and recommendations

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### Timing of debate

1. We recommend that thirteen Fridays a year continue to be appointed for consideration of private Members' bills. (Paragraph 24)

### Choice of bills to be debated in private Members' time

2. We recommend that the House be invited to decide between retention of the ballot for the selection of bills to be brought forward for debate in private Members' time, and the introduction of a procedure for the collection of supporters to determine precedence for debate in that time. (Paragraph 31)

### Timetabling of private Members' bills

3. We recommend that the House be invited to decide whether it should be possible to programme private Members' bills. If it decides in favour of the principle of programming private Members' bills, we recommend that it be offered the choice between the two means of programming bills which we set out [in paragraphs 35–49]. (Paragraph 50)

### Third reading

4. We recommend that the House be invited to decide whether third reading of a private Member's bill should be taken on a day other than a Friday; and if so, which of the two alternative means we propose of taking such a vote it favours. (Paragraph 53)

### Speech limits

5. Acceptance of our proposals for the programming of private Members' bills would enable the Chair to invoke the powers granted by Standing Order No. 47 to impose speech limits during debate on such bills. (Paragraph 59)

### Pre-legislative scrutiny

6. We recommend that there should be sufficient flexibility in the timing of the ballot and the presentation of the ballot bills—or the votes on leave to bring in bills—to enable the House authorities to publish those bills in draft, and the promoter of each bill to collect any comments and take them into account before finalising the text of the bill and getting it printed before second reading. We consider that that period should be at least four weeks. (Paragraph 61)

### **Listing of bills on the Order Paper**

7. We consider that what appears on the Order Paper should be only actual bills which a private Member desires that the House should debate. (Paragraph 66)
8. We recommend that the order for second reading of a bill not appear on the Order Paper until the Speaker is satisfied that the promoter of the bill has made available for online publication an exposure draft of an actual Bill. (Paragraph 67)
9. This recommendation would alter only what appears on the Order Paper under “future business”. We do not recommend any alteration to the rules for determining priority for debate on a private Member’s Friday. The Public Bill Office would continue to maintain a list of bills set down for particular days, and a bill set down before another which was published as an exposure draft before it would regain its place ahead of that bill once it was published as an exposure draft itself. (Paragraph 68)
10. We recognise a danger that the result of this recommendation would not be the removal from the Order Paper of bills which are unlikely ever to be debated, but rather the publication online of exposure drafts of more bills which will never make progress. This would not be a good use of the resources of the Public Bill Office, which would be likely to bear the brunt of Members’ requests to draft bills. If the evidence were to show that this was happening, we would consider the matter further. (Paragraph 69)
11. We further recommend that Future Business list private Members’ bills only when they have been set down for a day on which private Member’s bills have precedence. (Paragraph 70)

### **Ten minute rule bills**

12. We recommend that the expectation be removed that a bill will be immediately brought in if leave is granted after a motion is passed under the ten minute rule. (Paragraph 72)

### **Flooding the Order Paper with bills**

13. We recommend that the possibility of a monopoly of the limited opportunities for debate of private Members’ bills by a single Member be reduced by providing that a private Member may present only a single bill on any one day. (Paragraph 76)

### **Declaring the Government position on a bill**

14. We recommend that the Government be required to make a written Ministerial statement on any private Member’s bill which has been printed, before the day on which the Bill is first set down on the effective Order Paper for second reading. (Paragraph 77)

### **Deadline for printing of bills**

15. We recommend that the deadline for printing a bill—that is, producing a fully drafted piece of legislation, in place of a “long title”—be brought forward to the Wednesday of the week prior to the day of second reading. (Paragraph 78)

### **Money and ways and means resolutions**

16. We recommend that the Government be required to make a written Ministerial statement on the reasons for the delay if a money or ways and means resolution, where required, has not been put to the House within three weeks of a bill being given a second reading. (Paragraph 80)

### **Motion for the House to sit in private**

17. We recommend that a motion ‘That the House sit in private’ no longer be permitted to be moved on a private Member’s Friday. (Paragraph 83)

### **Public bill committees on private Members’ bills**

18. We recommend that the requirement be abolished for a motion to be tabled by the Government before a public bill committee in respect of a private Member’s bill may be nominated while proceedings in another public bill committee on a private Member’s bill are still active. (Paragraph 84)

### **Name of private Members’ bills**

19. We recommend that, in the Standing Orders and elsewhere where reference is made to them, the term “private Members’ bills” be replaced with “backbench bills”. (Paragraph 85)

# Formal Minutes

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**Wednesday 10 July 2013**

Members present:

Charles Walker, in the Chair

Mrs Jenny Chapman  
Nic Dakin  
Thomas Docherty  
Sir Roger Gale  
Helen Goodman

Mr James Gray  
John Hemming  
Mr David Nuttall  
Jacob Rees-Mogg  
Martin Vickers

Draft Report (*Private Members' bills*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 89 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence reported and ordered to be published on 28 November 2012, 16 January and 17 April 2013, in the last Session of Parliament, was ordered to be reported to the House for printing with the Report.

[Adjourned till Wednesday 4 September at 3.00 pm]

# List of Reports from the Committee during the current Parliament

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## Session 2013–14

First Report                      Early Day Motions                      HC 189

## Session 2012–13

First Report                      Sitting hours and the Parliamentary calendar                      HC 330

First Special Report              Reasoned opinions on subsidiarity under the Lisbon Treaty: Government Response to the Committee's Fourth Report of Session 2010–12                      HC 712

Second Report                      Review of the Backbench Business Committee                      HC 168

Second Special Report              Sitting hours and the Parliamentary calendar: Government Response to the Committee's Fourth Report of Session 2010–12                      HC 790

Third Report                      E-tabling of written questions                      HC 775

Third Special Report              Review of the Backbench Business Committee—Government Response to the Committee's Second Report of Session 2012–13                      HC 978

Fourth Report                      Explanatory statements on amendments                      HC 979

Fifth Report                      Statements by Members who answer on behalf of statutory bodies                      HC 1017

Sixth Report                      Debates on Government e-Petitions in Westminster Hall                      HC 1094

Seventh Report                      Monitoring written Parliamentary questions                      HC 1095

## Session 2010–12

First Report                      Ministerial Statements                      HC 602

First Special Report              Ministerial Statements: Government Response to the Committee's First Report of Session 2010–12                      HC 1062

Second Report                      Improving the effectiveness of parliamentary scrutiny:  
(a) Select committee amendments  
(b) Explanatory statements on amendments  
(c) Written parliamentary questions                      HC 800

Second Special Report              Improving the effectiveness of parliamentary scrutiny:  
(a) Select committee amendments; (b) Explanatory statements on amendments; (c) Written parliamentary questions—Government Response to the Committee's Second Report of Session 2010–11                      HC 1063

Third Report                      Use of hand-held electronic devices in the Chamber and committees                      HC 889

Fourth Report                      Reasoned opinions on subsidiarity under the Lisbon Treaty                      HC 1440

Fifth Report                      2010 elections for positions in the House                      HC 1573

Sixth Report                      Lay membership of the Committee on Standards and Privileges                      HC 1606

Third Special Report              Lay membership of the Committee on Standards and Privileges: Government Response to the Committee's

|                       |   |         |
|-----------------------|---|---------|
|                       | Sixth Report of Session 2010–12   |         |
| Seventh Report        | Debates on Government e-Petitions   | HC 1706 |
| Fourth Special Report | Debates on Government e-Petitions: Government Response to the Committee’s Sixth Report of Session 2010–12         | HC 1902 |
| Eighth Report         | E-tabling of parliamentary questions for written answer   | HC 1823 |
| Ninth Report          | 2010 elections for positions in the House: Government Response to the Committee’s Fifth Report of Session 2010–12 | HC 1824 |