House of Commons
Procedure Committee

Programming

Third Report of Session 2013–14

Report, together with formal minutes

Ordered by the House of Commons
to be printed 27 November 2013
**Procedure Committee**

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

**Current membership**

Mr Charles Walker MP (Conservative, Broxbourne) (Chair)
Jenny Chapman MP (Labour, Darlington)
Nic Dakin MP (Labour, Scunthorpe)
Thomas Docherty MP (Labour, Dunfermline and West Fife)
Sir Roger Gale MP (Conservative, North Thanet)
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Mr James Gray MP (Conservative, North Wiltshire)
Tom Greatrex MP (Lab/Co-op, Rutherglen and Hamilton West)
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Mr David Nuttall MP (Conservative, Bury North)
Jacob Rees-Mogg MP (Conservative, North East Somerset)
Martin Vickers MP (Conservative, Cleethorpes)

The following Members were also members of the Committee during the Parliament:

Rt Hon Greg Knight MP (Conservative, Yorkshire East) (Chair until 6 September 2012)
Karen Bradley MP (Conservative, Staffordshire Moorlands)
Andrew Percy MP (Conservative, Brigg and Goole)
Bridget Phillipson MP (Labour, Houghton and Sunderland South)
Angela Smith MP (Labour, Penistone and Stocksbridge)
Sir Peter Soulsby MP (Labour, Leicester South)
Mike Wood MP (Labour, Batley and Spen)

**Powers**

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the Internet via www.parliament.uk.

**Publications**

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at http://www.parliament.uk/proccom.

**Committee staff**

The current staff of the Committee are Huw Yardley (Clerk), Margaret McKinnon (Second Clerk) and Jim Camp (Committee Assistant).

**Contacts**

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Summary

Programming has become an established, and broadly accepted, feature of the transaction of Parliamentary business. Nonetheless criticism has persisted of certain aspects of the way programming operates, especially at report stage. Our particular concern, which we have sought to address in this report, is that on many report stages several groups of amendments, often containing significant Government amendments, are not reached for debate and scrutiny, but instead pass the elected House undebated.

To enable appropriate scrutiny where significant numbers of Government amendments have been tabled, we recommend that the Government make greater use of recommittal of all or part of a bill to public bill committee. In respect of report stage, we propose a package of measures revising the way report stages are organised which should ensure that there is the opportunity for at least some debate, and therefore the possibility of votes, on all groups of amendments and new clauses/schedules tabled to a programmed bill.

We also address in this report two further aspects of the way programming operates, and recommend that the programming standing orders be amended:

- to allow the question to be put on any selected amendment to a programme motion moved immediately following second reading; and
- to enable the Speaker to select for separate decision non-Ministerial motions relating to Lords Amendments.
Programming

Background

1. Programming was introduced on a pilot basis following a report of the Committee on the Modernisation of the House of Commons in 1997. Although opposed in principle by the then official Opposition, it was approved by the House and, with some technical changes, enshrined in standing orders in October 2004.

2. Since then programming has become an established, and broadly accepted, feature of the transaction of Parliamentary business. The Government observes that “On the basis of the debates and votes on programming over the last 15 years, there now appears to be a clear majority view in the House that, in principle, programming is beneficial to the scrutiny of legislation.” That opinion is shared by the official Opposition, who note, “We introduced programming and support its continued use. In opposition we have sought through the usual channels to make programming work by acknowledging the executive’s need to manage the legislative timetable while ensuring sufficient opportunity is available for members to scrutinise legislation.” The Parliament First All-Party Parliamentary Group also accepts the principle of programming,

[...] on two grounds. It quite properly focuses attention on the best use of the limited time available, avoiding an unjustified expenditure of time on the early sections of a bill at committee and report stages and the squeezing out (whether deliberately or consequentially) of more important issues towards the end. We also believe that the alternative of filibustering, by extended time-wasting often into the late hours of the night, is not a rational or defensible way of trying to defeat a Government bill.

3. Nonetheless criticism has persisted of certain aspects of the way programming operates, in particular at report stage. The Committee on Reform of the House of Commons, chaired by Dr (now Professor) Tony Wright, found that “The single greatest cause of dissatisfaction [...] with current scheduling of legislative business in the House arises from the handling of the report stage of government bills”. We will not repeat here the detailed reasons given by the Wright Committee why report stage is of such significance, but we will repeat its important observation that “The report stage is the only opportunity for the House as a whole to engage with proposed legislation and debate and decide its principal provisions in any detail.”

2 Government memorandum (P99 (Session 2013–13)), para 2.
3 Shadow Leader of the House (P100 (Session 2013–13))
4 Parliament First APPG (P98 (Session 2012–13))
5 Committee on Reform of the House of Commons, First Report of Session 2008–09, Rebuilding the House, HC 1117 (hereafter “the Wright Committee”), para 109.
6 Wright Committee, para 109.
7 Wright Committee, para 109.
4. The main problem was summed up by the Wright Committee as follows: “In practice, as a result of the programme motion proposed by Ministers and approved with little or no debate, the situation is that on many report stages several groups of amendments from Opposition parties or backbencher amendments selected by the Chair and grouped for a joint debate are not even reached for debate, let alone a decision.” Of equal, if not greater, concern to us is that groups containing significant Government amendments may similarly not be reached for debate. The Wright Committee set out a number of possible means of ameliorating this situation, founding its main conclusions on the establishment of a House Business Committee as “a forum for agreeing the length of time to be devoted to a report stage in order to fulfil the scrutiny function adequately.”

5. Following on from the Wright Committee’s findings, we considered the issue of programming—and specifically of the effects of the way report stage is programmed—during our inquiry into sitting hours and the Parliamentary calendar, which reported in June last year. We concluded in the context of that inquiry that this is not a problem which can be easily solved through reform of sitting hours or sitting patterns. We do not see scope for extending sitting hours to provide more time to debate legislation. Furthermore, […] lack of time is not the only challenge: there is also a complex interplay between the number of groups and the use of internal “knives” in programme motions which affects whether the opportunity arises to debate any individual amendment—and whether whole sections of a bill may escape scrutiny by this House.

We therefore declared our intention to look more closely at the operation of the programming of legislation in a later inquiry.

6. We began our detailed consideration of the issue by inviting written evidence from the Government, the Official Opposition and the Parliament First All-Party Parliamentary Group. We are grateful to them for their memoranda, which are published on our website. We have pursued these matters mainly through informal conversations with the Clerk Assistant and the Clerk of Programming in the Public Bill Office, and with the Leader of the House. We are very grateful to all of them for their cooperation and helpfulness in developing the recommendations which we make below.

**Ensuring guaranteed debating time for all groups at report stage**

**The problem**

7. The problem at report stage arises because the programme order applying to a bill sets a fixed end-time for proceedings. Amendments and new clauses tabled to the bill are

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8 Wright Committee, para 112.
9 Wright Committee, para 114.
10 Wright Committee, para 115.
12 HC 330, para 73.
13 See references above.
grouped together by the Chair by subject, and debate takes place on each group of amendments successively. If time runs out before a group of amendments is reached, any questions which are to be put under the programme order are decided, and the opportunity for debate and scrutiny is lost. The issue affects not only groups of backbench amendments, where there may be opportunities for manoeuvring by either or both of the front benches to prevent awkward debates being held, but also groups containing Government amendments, so that even significant Government amendments may be made without any opportunity for explanation or debate.

8. The Wright Committee concluded that “Effective scheduling of business at report stage of many bills would often require nothing more than the allocation of a sufficient total time”, adding “It is too often insufficient at present.” The Government, in its memorandum to our inquiry, says

We have sought to address this criticism. So far in this Parliament 11 bills have had at least two days devoted to their report stage. The Finance (No.3) and the Legal Aid, Sentencing and Punishment of Offenders Bills were each given three days. This represents a significant improvement on previous parliaments. Only three bills were given three days at report in all the sessions from 2001–02 to 2009–10. We have also sought to limit the number of Ministerial statements on days where report stages are to be taken, so as not to eat into the time scheduled for bills. The more frequent use of additional days at report stage has had a beneficial impact on the average number of groups of amendments not reached.

9. Whilst we acknowledge and applaud the steps the Government has taken to provide more time for debate at report stage, it has not been sufficient to eliminate this problem. In the Annex we reproduce a list compiled by the Public Bill Office of groups containing Government amendments not reached at report stage of bills in the 2012–13 session. As is evident from that list, even quite substantial groups of Government amendments—including, for example, on changes to factors in judicial decision-making on extradition, in the Crime and Courts Bill—are still passing the elected House undebated. Furthermore, we are mindful of the fact that the issue would be likely to become more acute at a time when there is more pressure on the legislative timetable than has been the case recently.

10. We consider this situation to be unacceptable. The Wright Committee concluded that “time should be set so that the House should if it wishes be able to vote on new Clauses and amendments in every group, if and when they are selected for separate division by the Chair; and that there should be a presumption that no major group should go undebated.” We tend more to that view than we do to the complacency of the Government, which told us that “it has always been the case that each session some groups of amendments remain undebated due to a lack of time.” Unless and until the House is willing to devote longer and more adequate hours to more thoroughly debating legislation

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14 Wright Committee, para 115.
15 Government memorandum (P99 (Session 2013–13)), paras 11–12. See Appendix for a reproduction of the chart provided by the Government to substantiate this claim.
16 Wright Committee, para 115.
17 Government memorandum (P99 (Session 2013–13)), para 7.
this problem is unlikely to be fully resolved. A House Business Committee, as proposed by the Wright Committee, may have offered a means of solving the problem; but it is now looking increasingly unlikely that any such committee will be established.\(^{18}\) We have nevertheless set ourselves to consider how best to reduce the likelihood of groups of amendments and new clauses/schedules going undebated at report stage.

**Recommittal**

11. Before we turn to the question of how to adjust the way programming operates to achieve the objective we have set out, we have a few words to say on one of the causes of the problem. The Opposition’s memorandum to our inquiry observes

> one impact on the management of legislation is the significant number of Government amendments tabled to bills. Were bills to arrive in the House in a better shape, fewer amendments would be needed enabling better scrutiny of legislation.\(^{19}\)

We agree that a reduction in the number of Government amendments would improve the ability of the House to scrutinise the legislation the Government presents. We applaud work such as the Good Law Initiative which is working towards improving the state of legislation before it reaches this House.\(^ {20}\) Nevertheless the tabling by the Government of large numbers of amendments at report stage will inevitably sometimes happen, and may indeed be the result of good scrutiny earlier in the legislative process.

12. **We recommend that to enable appropriate scrutiny where significant numbers of Government amendments have been tabled, the Government make greater use of recommittal of all or part of a bill to public bill committee.** In recent times little use has been made of the recommittal procedure. Experience in those cases where it has been used, however, has demonstrated that it can work well to ensure that proper consideration and scrutiny is given to new material proposed to be added to a bill.\(^ {21}\) We recognise that recommittal could to some extent delay the passage of a bill through Parliament, and that consequently where parts of a bill are subject to recommittal there could be expected to be a shorter interval between the conclusion of proceedings on recommittal and the taking of report stage than is usually the case between committee and report stages, to enable the Government to accommodate such a change in its legislative timetable. The release of pressure on time for the debate and scrutiny of amendments and new clauses and schedules at report stage would make recommittal in the circumstances above of considerable benefit to the House.

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\(^{18}\) See, for example, the evidence given to the Political and Constitutional Reform Committee by the Leader of the House in connection with its inquiry *Revisiting Rebuilding the House: the impact of the Wright reforms*, HC (2013–13) 82, Q 276; response from the Deputy Leader of the House to the publication of the report of that inquiry, HC Deb, 18 July 2013, col 1340.

\(^{19}\) Shadow Leader of the House (P100 (Session 2013–13))

\(^{20}\) [www.gov.uk/good-law](http://www.gov.uk/good-law)

\(^{21}\) In 2003 the Planning and Compulsory Purchase Bill was recommitted as a whole to a standing committee, following the Government’s decision to bring forward substantive further provisions; and the Hunting Bill was recommitted to the standing committee to which it previously stood committed for the purpose of making such amendments as the committee considered to be necessary or expedient in consequence of a new clause added to the Bill on consideration. In 2011 the Health and Social Care Bill was recommitted to a public bill committee following a “pause” in the Bill’s parliamentary passage, when the Government brought forward a substantial package of changes to the Bill.
The means to a solution

13. Key features of the system at present may be identified as:

a) Relatively short notice requirement for amendments, of only two days, as against three days in public bill committee, meaning that

b) It is usually only possible to produce an informal draft selection and grouping in the course of the day before the debate, with a formal Speaker’s draft on the day of debate, whereas any supplementary programme motion finalising the amount of time for report stage and fixing any internal “knives” will have had to be produced and tabled the previous evening;

c) The order in which groups are taken is dictated, in the absence of any order of the House to the contrary, (i) by the priority given to Government New Clauses, and in the absence of Government New Clauses (ii) by the order of tabling of non-Government New Clauses—the subject matter of the first Government New Clause tabled therefore dictates the broad ambit of the first group to be debated, unless a supplementary programme motion dictates a different order;

d) The Chair has responded to the problem of time running out before groups of amendments are reached by carrying out selection and grouping such as to produce the minimum number of groups and the maximum number of selected amendments; but

e) Uncertainty about reaching a later group encourages Members to contribute on the first group rather than miss out, thereby exacerbating the problem; and

f) Votes (unless at the very end of an allotted day) take time out of debate on later groups, and are sometimes at unpredictable times.

14. We propose the following revised procedure, which should ensure that there is the opportunity for at least some debate, and therefore (subject to the discretion of the Chair) the possibility of votes, on all groups of amendments and new clauses/schedules tabled to a programmed bill.

i. The deadline for tabling of amendments and new clauses/schedules should be brought forward from two days to three days before the day on which debate is to take place. As the Wright Committee observed, “given that there are sometimes weeks between the out-date from Committee and the bringing on of a report stage there is ample time to table texts”. Even if the tabler of an amendment or new clause/schedule were to wait until the date of report stage of a bill is announced at the Thursday business statement, it would still—on a worst-case scenario where the report stage was to be held on the Monday ten days later—leave until the rising of the House on the following Wednesday for amendments to be tabled.
ii. The earlier deadline for tabling amendments would enable a draft selection and grouping to be agreed by the Chair by the end of the second day before the debate, which will in turn enable

iii. A detailed supplementary programme motion, taking account of selection and grouping, to be tabled the day before report stage, for agreement on the day. The simple change in timing proposed in i. above will thus enable the currently parallel processes of, on the one hand, selection and grouping, and on the other, the drafting and tabling of the programme motion—both crucial to the way report stage proceeds—to be sequenced so that the one can take account of the other. As the Government told us, “the use of knives need not be seen as an indication that programming has failed or that the Government is seeking to curtail debate.”\(^\text{23}\)

Deployed sensitively in conjunction with selection and grouping, they can be a useful means of ensuring that limited time is used appropriately—and in particular that extended debate on an earlier group does not curtail the time available for later ones.

iv. It should be open for the times in the programme motion for debate on each group to be set as proportionate to the total time available for debate, instead of being set in terms of an amount of time (say, 3 hours) or a set clock-time (5.30pm). Setting time for debate in this way would ensure that the timetable set by a supplementary programme motion would not be thrown out by the taking of statements or urgent questions before debate begins, which otherwise disproportionately affects either earlier groups (if the end point is a set clock-time) or later ones (if it is the end of a set period of time).

v. Divisions should be held over until the end of a day allotted for consideration, so that later groups do not lose time to divisions on amendments (or new clauses/schedules) in earlier groups. We recognise the disadvantages of such an approach, in that there would be less disincentive to the Opposition (or others) to seek divisions (because doing so would not result in the loss of debating time); and there would be less certainty about the end-time of proceedings on report stage and third reading. On the other hand, this change would benefit Members by removing the uncertainty of a running whip and ensuring that the timing of divisions would be known with reasonable certainty in advance. It should also be borne in mind that debate on report stage of a Government bill took place on only 18 days on the floor of the House in the last session: uncertainty about finishing times on such a relatively small number of days appears to us to be a reasonable price to pay for the improvement in opportunities for scrutiny which could result.

We recognise that on some occasions there will be contingent questions which require settlement before further decisions on consideration can proceed, but we expect such circumstances to be rare, and that the Chair will normally be able to deal with any such issues.

\(^{23}\) Government memorandum (P99 (Session 2013–13)), paras 8, 13.
vi. In order to protect third reading debate from being squeezed out by such divisions, third reading could be allocated a set period (say, 30 minutes) rather than being brought to an end at a set time (currently, usually the moment of interruption).

vii. The introduction of an expectation that notice would be given to the Speaker of a desire to speak, to enable the Chair better to manage the debate. We will keep the matter of the ability to impose time limits on speeches at report stage under active review.

15. This package of proposals leaves the widely-accepted fundamentals of programming in place, but adjusts the way scheduling of debate is carried out in advance in order to ensure that no group of amendments need be left unconsidered. As the Wright Committee observed, often all that is needed is to ensure that sufficient total time is available for consideration of a bill; if sufficient time is not made available, dissatisfaction will remain, but the proposals we put forward here will, if properly implemented, at least ensure that the whole House can scrutinise and debate all selected amendments and new clauses/schedules. We provide some examples of how our proposals might have worked for report stage of recent bills in the Annex to this report.

16. We now turn to two other reforms of programming which have been proposed to us in the course of this inquiry: the ability to amend a programme motion when it is put immediately after second reading; and the ability of the Chair to select for separate decision non-Ministerial motions relating to Lords Amendments.

Amendability of programme motions

17. The question on a programme motion moved immediately after second reading is put forthwith, under Standing Order No. 83A(7). It is notionally debated with the question on second reading, but because the question must be put forthwith it is not amendable. Consequently, while the Opposition sometimes votes against the programme motion, it is not in practice able to crystallise its opposition by moving and then voting on an amendment. The same applies to backbenchers. The Opposition’s memorandum to our inquiry notes

Under the current format a programme motion cannot be amended, it simply must be voted on outright. That means that if there is a disagreement between the government and the opposition via the usual channels and the opposition subsequently disagrees with the proposed timetabling for debate they are forced to support it or oppose it outright. It might be more sensible to have a scenario whereby amendments can be offered to a programme to provide greater flexibility to the opposition.24

We agree, and recommend accordingly that the programming standing orders be amended so as to allow the Speaker to put the question on any amendment to a programme motion selected by him which may be moved immediately following second reading.

24 Shadow Leader of the House (P100 (Session 2012–13))
Lords amendments

18. The programming standing orders prevent the moving of any non-Ministerial motions relating to Lords Amendments once the time set for debate under a programme order has elapsed (“the knife has fallen”). Examples of such motions include amendments to Lords Amendments except where they relate to the Amendment actually being debated, amendments in lieu of Lords Amendments, or amendments to words restored to the Bill. Once the knife has fallen, only motions moved by a Minister may be put to the House for decision. See the box below for an example. On one or two occasions, a Minister has moved a motion which had not been tabled by the Government to ensure a vote could be held, but this is the only way such a motion can be put to the House unless debate concludes early. The position is in contrast to that applying in respect of proceedings in public bill committee, in committee of the whole House or at report stage, during which the question may be put on any amendment, new clause or new schedule selected by the chair or (as the case may be) the Speaker for separate decision.

19. Given the real substance of some Lords amendments, in particular those representing major changes made to a Bill in the Lords, this situation is unsatisfactory. We do not expect situations where such a vote is appropriate to arise very often, but where the focus of a

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Moving of a non-Ministerial motion relating to a Lords Amendment: example

The Government amends a bill in the Lords to insert a new clause. When the Bill returns to the Commons, it is the first time this House has had the opportunity to consider the proposition it contains. The Opposition generally supports the new clause, but tables an amendment to it, which comes before the House as an amendment to the Lords Amendment. The Lords Amendment, and the amendment to it, are grouped together for debate with a number of other Lords Amendments on the same subject. The “lead amendment” in the group—on which debate technically arises—is not the one which the Opposition is seeking to amend, but because that amendment is grouped together with it, the debate focuses substantially on whether the new clause should be amended as proposed by the Opposition. The debate is brought to a conclusion in accordance with the programme order, and the questions are put under Standing Order No. 83F. Because the Standing Order provides only for Ministerial motions to be put to the House, the only question which is put in relation to that Lords Amendment is “that this House agrees with the Lords in its Amendment.” The Opposition—which supports the new clause—has no opportunity to demonstrate its support for its proposed amendment through a vote. The only way in which the Opposition’s amendment could be put to the House would be if a Minister were to move it.

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25 Coroners Bill 9 November 2009, cols 73–74, as below:

Mr. Dismore: With the leave of the House, I would like to move amendment (a) in lieu.

Mr. Deputy Speaker (Sir Alan Haselhurst): I have to inform the House that it is not possible under the terms of the programme order for the hon. Gentleman’s amendment to be put to the House. That is quite clearly laid down in the programme order and is backed by the appropriate Standing Order, so we have to move on.

Mr. Grieve: On a point of order, Mr. Deputy Speaker. I have to express some amazement that this has happened. If that is indeed the case, it is contrary to my earlier understanding that it would be possible to vote on amendment (a) in lieu. Indeed, the whole reason for that, as you will have appreciated from the tenor of the House, was that we should be able to vote on that precise amendment.

Mr. Deputy Speaker: I was all too aware that that was the consequence, but once the Justice Secretary spoke until 6.33 pm, that left the Chair with no option on this matter.

Mr. Straw: Further to that point of order, Mr. Deputy Speaker. I had no intention of doing that. I think that there ought to be a vote on amendment (a) in lieu, and if it requires me to move it, I will move it.

Mr. Deputy Speaker: The right hon. Gentleman anticipates me. The only way in which amendment (a) in lieu can be put to the vote is if he is prepared to move it.

Mr. Straw: Provided that the House understands that I shall vote against it. Amendment (a) proposed in lieu of Lords amendments 1, 2 and 216.-(Mr. Straw.)

Question put. That the amendment be made.

The House divided: Ayes 266, Noes 274.

26 Standing Orders No. 83D(2)(c) and No. 83E(2)(c).
debate has been a backbench, or official Opposition, proposition, it is perverse that the standing orders should require a Minister to move that proposition in order to enable the House to vote on it. We recommend that the programming standing orders be amended to enable the Speaker to select for separate decision non-Ministerial motions relating to Lords Amendments.
Conclusions and recommendations

Recommittal

1. We recommend that to enable appropriate scrutiny where significant numbers of Government amendments have been tabled, the Government make greater use of recommittal of all or part of a bill to public bill committee. (Paragraph 12)

Revised procedure for supplementary programme motions at report stage

2. The deadline for tabling of amendments and new clauses/schedules should be brought forward from two days to three days before the day on which debate is to take place. (Paragraph 14.i)

3. A draft selection and grouping to be agreed by the Chair by the end of the second day before the debate. (Paragraph 14.ii)

4. A detailed supplementary programme motion, taking account of selection and grouping, to be tabled the day before report stage, for agreement on the day. (Paragraph 14.iii)

5. It should be open for the times in the programme motion for debate on each group to be set as proportionate to the total time available for debate (Paragraph 14.iv)

6. Divisions should be held over until the end of a day allotted for consideration, so that later groups do not lose time to divisions on amendments (or new clauses/schedules) in earlier groups. (Paragraph 14.v)

7. Third reading could be allocated a set period (say, 30 minutes) rather than being brought to an end at a set time (Paragraph 14.vi)

8. The introduction of an expectation that notice would be given to the Speaker of a desire to speak, to enable the Chair better to manage the debate. (Paragraph 14.vii)

Amendability of programme motions

9. We agree, and recommend accordingly that the programming standing orders be amended so as to allow the Speaker to put the question on any amendment to a programme motion selected by him which may be moved immediately following second reading. (Paragraph 17)

Lords amendments

10. We recommend that the programming standing orders be amended to enable the Speaker to select for separate decision non-Ministerial motions relating to Lords Amendments. (Paragraph 19)
Annex: Groups containing Government amendments not reached for debate in the 2012–13 session

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<td>Miscellaneous (Settled excluded property and air passenger duty)</td>
<td>Attempts to close off tax loophole more effectively; and devolution of higher rate of air passenger duty to Northern Ireland Assembly.</td>
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<td>60 + 61 + 62 + 55 + Govt 18 to 20</td>
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<td>Growth and Infrastructure</td>
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<td>Created a power to allow Welsh Ministers to make an order postponing the date on which the new non-domestic rating lists in Wales should be compiled from 1 April 2015 to 1 April 2016, 2017, 2018, 2019 or 2020.</td>
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<td>Govt NC4 + 57 + 58 + Govt 35</td>
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<td>Groceries Code Adjudicator</td>
<td>Sources of information for investigations, and reviews</td>
<td>Refinement of SoS power to require Adjudicator to have regard only to certain categories of information when deciding whether to conduct an investigation. Probably a compromise reflecting concerns about original wording voiced in PBC.</td>
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<tr>
<td>Crime and Courts</td>
<td>Offenders</td>
<td>Varying court powers to designate local authorities responsible for looked-after children remanded to youth detention accommodation, including retrospectively recovering the costs of this accommodation.</td>
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<td>105 + 106 to 108 + Govt 110 + 101 + 109 + 99 + 104 + Govt NC4 + Govt 81</td>
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<td>Extradition, deportation and border control</td>
<td>Changes to factors in judicial decision-making on extradition.</td>
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<td>NC1 + NC10 + NC13 + 94 + 91 + Govt 111 to Govt 114 + 92 + Govt 115 to Govt 118 + 93</td>
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How the proposals in this Report might have affected proceedings on those bills where groups containing Government amendments were not reached in the 2012–13 session

**Finance, Enterprise and Regulatory Reform, Groceries Code Adjudicator and Growth and Infrastructure Bills**

The programme motions applying to these four bills each allocated between two and three hours to amendments and new clauses/schedules relating to a specified part of the bill (or in the case of the Groceries Code Adjudicator (GCA) Bill, the whole bill). In that time proceedings on between three (GCA) and seven (Finance) groups of amendments had to be concluded.

In these cases, the main advantage of the arrangements we propose would lie in the ability of the programme motion to take account of selection and grouping and thereby allocate time between all the groups. Having seen the Speaker’s provisional selection and grouping of amendments, the Government would discuss timing through the usual channels and with any backbenchers whose amendments had been selected and bring forward a programme motion allocating time to each group. It would be open to the Opposition, or to any backbencher who thought that the motion allocated insufficient time for debate of their amendment, to table an amendment to the programme motion.

For example: on the final day of debate on the Enterprise and Regulatory Reform Bill, two hours were allocated for debate on what turned out to be six groups of amendments. Debate was completed on only four of those groups before the “knife” fell, meaning two groups—including one containing Government amendments—were left undebated. A programme motion tabled after selection and grouping could have allocated, say, a maximum of **twenty minutes for debate on each of those groups of amendments**, enabling a brief intervention from one or more Members with amendments in the group and a brief reply from the Minister. Any divisions on amendments in any of these groups would be held over to the end of consideration, so that no debating time was lost.

**Public Service Pensions Bill**

Similarly to the bills discussed above, the programme motion applying to this bill allocated a day’s debate (less an hour for third reading) for debate on what turned out to be four groups of amendments. Debate had not been concluded on the third group when the “knife” fell.

A programme motion tabled in accordance with the proposals in this report could have allocated, say, **25% of the available time to each group of amendments**, thereby ensuring not only that all groups were debated, but also that disproportionate time would not be lost to the first group of amendments in the event of a statement or urgent question.

**Crime and Courts Bill**

The Crime and Courts Bill was the vehicle for provisions arising from the Leveson proposals on press regulation, a number of which were brought forward at the last minute, so envisaging how our proposals may have affected it is not straightforward. Nonetheless it
is worth describing what happened on the final day on report of that Bill, and how it could have been improved by what we put forward in this report.

Following a Standing Order No. 24 emergency debate lasting three hours, the House began considering a programme motion regulating debate on the remaining proceedings on consideration of the Bill at around twenty past seven in the evening. The motion allocated three hours, less any time taken on proceedings on the programme motion itself, for debate on new clauses and schedules relating to press conduct (one group); and then the remaining time up until 11pm for remaining proceedings on consideration (two groups).

Proceedings on the programme motion concluded at around twenty past eight, leaving two hours and forty minutes (160 minutes) total time for debate on the Bill. Debate on the group relating to press conduct ran for the remaining two hours allowed, followed by a division, leaving just 25 minutes for debate on a group concerning court procedures and enforcement (containing three Government amendments/new clauses) and a group concerning extradition, deportation and border control (containing eight Government amendments and a number of backbench propositions of wide political interest and concern). Debate on the first of those groups had not been concluded when the “knife” fell. There was then one vote, followed by just over half an hour’s debate on third reading, which concluded just before five to midnight.

Under our proposals, the programme motion could instead have divided the time proportionately, so that, say, **60% of the available time was allocated to the group concerning press conduct, 10% to the group concerning court procedures and enforcement and 30% to the group concerning extradition, deportation and border control.** The consequence would have been 72 minutes’ debate on press conduct, 16 minutes on court procedures and enforcement and 48 minutes on extradition, deportation and border control. The two divisions which were held during the course of proceedings on report would have been held over to the end of consideration at 11pm. It is likely that a further division would have taken place relating to extradition, deportation and border control, making a total of three divisions, taking about three quarters of an hour. There would then have been, say, half an hour’s debate on third reading, concluding at around quarter past midnight. It is still arguable that the total time available for debate of these important provisions was inadequate; but no group would have been left undebated, and proceedings would have concluded only a few minutes later than was actually the case.
Appendix: Number of bills with multiple days at report stage, and number of groups not reached at report stage

Chart A - Number of Bills with multiple days at Report Stage

Chart B: Number of Groups not reached at Report Stage
Draft Report (Programming), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 19 read and agreed to.

Annex agreed to.

Summary agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

A paper was appended to the Report as the Appendix.

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.

[Adjourned till Wednesday 4 December at 3.00 pm]
# List of Reports from the Committee during the current Parliament

**Session 2013–14**
- **Second Report**: Private Members’ bills  
  **HC 188**
- **First Report**: Early Day Motions  
  **HC 189**

**Session 2012–13**
- **Seventh Report**: Monitoring written Parliamentary questions  
  **HC 1095**
- **Sixth Report**: Debates on Government e-Petitions in Westminster Hall  
  **HC 1094**
- **Fifth Report**: Statements by Members who answer on behalf of statutory bodies  
  **HC 1017**
- **Fourth Report**: Explanatory statements on amendments  
  **HC 979**
  **HC 978**
- **Third Report**: E-tableing of written questions  
  **HC 775**
- **Second Special Report**: Sitting hours and the Parliamentary calendar: Government Response to the Committee’s Fourth Report of Session 2010–12  
  **HC 790**
- **Second Report**: Review of the Backbench Business Committee  
  **HC 168**
- **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**
- **First Report**: Sitting hours and the Parliamentary calendar  
  **HC 330**

**Session 2010–12**
  **HC 1824**
- **Eighth Report**: E-tableing of parliamentary questions for written answer  
  **HC 1823**
- **Seventh Report**: Debates on Government e-Petitions  
  **HC 1706**
- **Sixth Report**: Lay membership of the Committee on Standards and Privileges  
  **HC 1606**
- **Fifth Report**: 2010 elections for positions in the House  
  **HC 1573**
- **Fourth Special Report**: Debates on Government e-Petitions: Government Response to the Committee’s Sixth Report of Session 2010–12  
  **HC 1902**
- **Fourth Report**: Reasoned opinions on subsidiarity under the Lisbon Treaty  
  **HC 1440**
- **Third Special Report**: Lay membership of the Committee on Standards and Privileges: Government Response to the Committee’s Sixth Report of Session 2010–12  
  **HC 1869**
- **Third Report**: Use of hand-held electronic devices in the Chamber and committees  
  **HC 889**
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<td>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</td>
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<td>HC 602</td>
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