



House of Commons
Procedure Committee

Programming

Third Report of Session 2013–14

Report, together with formal minutes

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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*)
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Helen Goodman MP (*Labour, Bishop Auckland*)
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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.

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

Bill	Group	Comments
Finance	<i>Miscellaneous (Settled excluded property and air passenger duty)</i> Govt 5 + Govt 6 to 10 + Govt 4	Attempts to close off tax loophole more effectively; and devolution of higher rate of air passenger duty to Northern Ireland Assembly.
Enterprise and Regulatory Reform	<i>Osborne Estate</i> Govt NC11 + Govt 32 + Govt 46	Removed specific statutory obligations relating to use of Osborne Estate.
	<i>Competition</i> 60 + 61 + 62 + 55 + Govt 18 to 20	Response to business concerns raised at PBC about possibility of business people unwittingly committing cartel offence if no new defences made available.
Public Service Pensions	<i>Lord Chancellor</i> Govt 40 + Govt 41	Specific arrangements for current Lord Chancellor.
Growth and Infrastructure	<i>Postponement of compilation of rating lists</i> Govt NC4 + 57 + 58 + Govt 35	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.
Groceries Code Adjudicator	<i>Sources of information for investigations, and reviews</i> 4 + Govt 7 + Govt 8 + 2 + 5 + 6 + Govt 9	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.
Crime and Courts	<i>Offenders</i> 105 + 106 to 108 + Govt 110 + 101 + 109 + 99 + 104 + Govt NC4 + Govt 81	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.
	<i>Extradition, deportation and border control</i> NC1 + NC10 + NC13 + 94 + 91 + Govt 111 to Govt 114 + 92 + Govt 115 to Govt 118 + 93	Changes to factors in judicial decision-making on extradition.

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

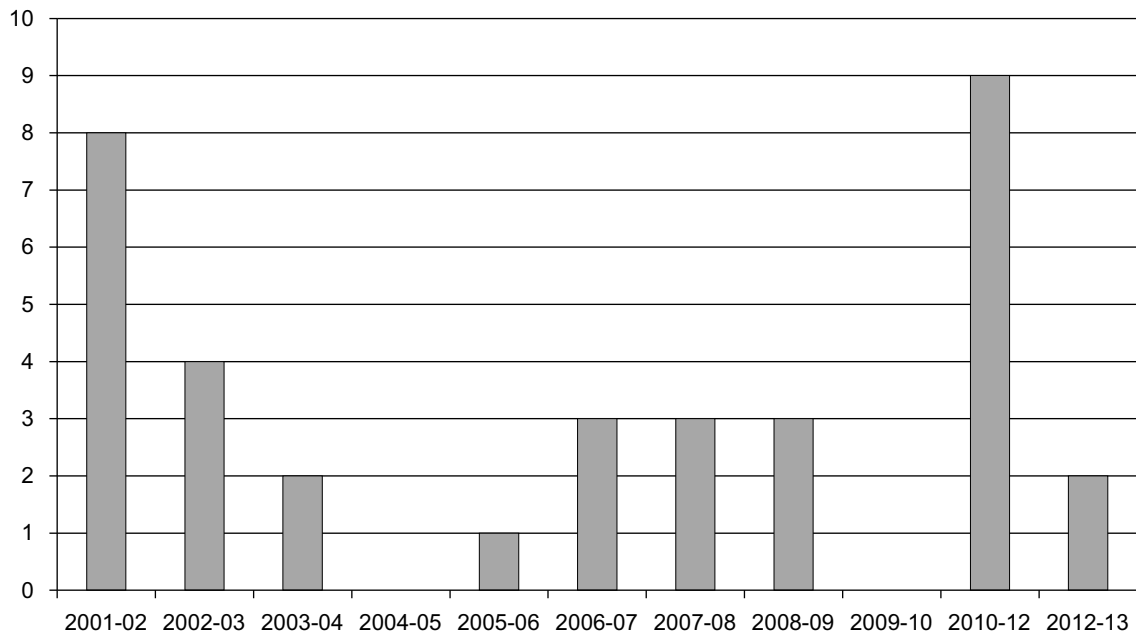
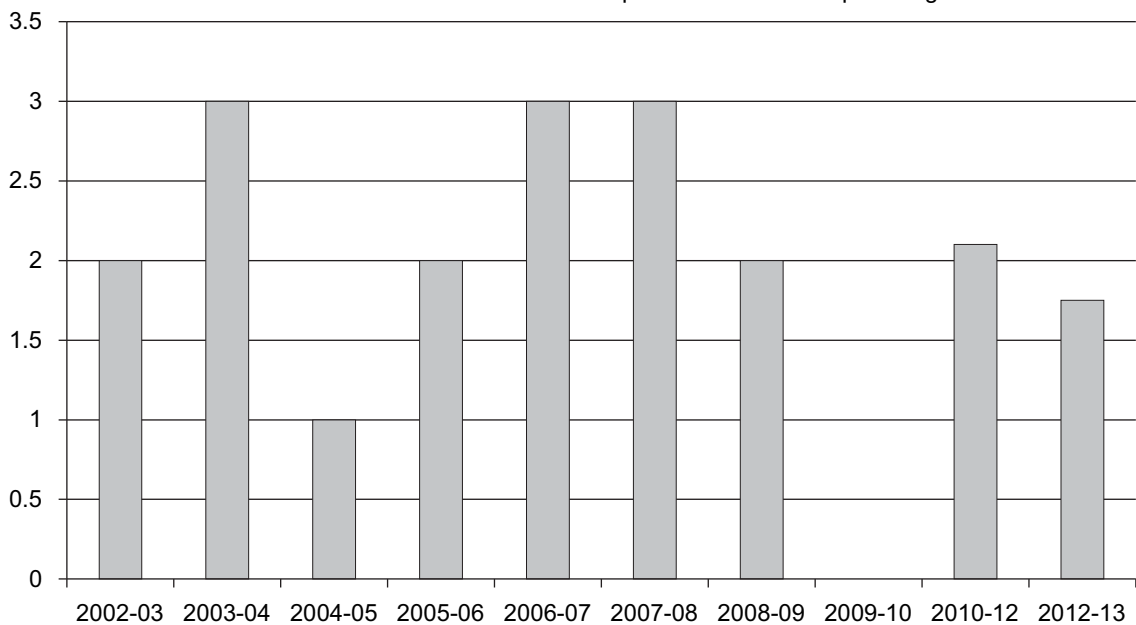


Chart B: Number of Groups not reached at Report Stage



Formal Minutes

Wednesday 27 November 2013

Members present:

Charles Walker, in the Chair

Thomas Docherty
Sir Roger Gale
Helen Goodman
Mr James Gray

John Hemming
Mr David Nuttall
Jacob Rees-Mogg
Martin Vickers

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

Ninth Report	2010 elections for positions in the House: Government Response to the Committee's Fifth Report of Session 2010–12	HC 1824
Eighth Report	E-tabling 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

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
Second Report	Improving the effectiveness of parliamentary scrutiny: (a) Select committee amendments (b) Explanatory statements on amendments (c) Written parliamentary questions	HC 800
First Special Report	Ministerial Statements: Government Response to the Committee’s First Report of Session 2010–12	HC 1062
First Report	Ministerial Statements	HC 602