



House of Commons  
Procedure Committee

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# **Business in Westminster Hall**

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**First Report of Session 2014–15**





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**First Report of Session 2014–15**

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to the report*

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## Procedure Committee

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### 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 [Procedure Committee \(Commons\) - UK Parliament](#).

### Committee staff

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

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## Summary

Westminster Hall sittings began in November 1999. Since then those sittings have evolved principally into a forum for backbench business. Westminster Hall is widely held to be a success and provides expanded opportunities for backbench MPs and for oversight of the executive.

This report offers some modest and, we trust, uncontroversial recommendations on how to improve the conduct of business in Westminster Hall. Rather than a complete upheaval, we offer the House a package of reasonable and practical reforms which will enhance Members' experience of debating in the second chamber.

### Introduction of one hour debates

We recommend the introduction of a one hour debate slot which would provide additional flexibility alongside the current timing options of half-hour and 90-minute debates.

We recommend that on application for a debate a maximum of two out of the three time slot options should be selectable.

### Accommodating the option of an additional time slot

We recommend that the option of an hour-long debate should be accommodated by extending the final debate on Tuesdays and Wednesdays from half an hour to a full hour.

### Timing of Thursday sittings

We recommend that the Thursday sitting should be brought forward by one hour, with a starting time of 12.30 pm and finishing time (subject to divisions in the House) of 3.30 pm.

### Exchanging Monday and Thursday business

We recommend that Liaison and Backbench Business Committee debates should take place on Monday and e-petitions should be debated on a Thursday. Our successors in the new Parliament may wish to review the change and make a recommendation about whether the change should continue or be reversed.

### Trial of 90-minute debate allocation

We recommend that the Backbench Business Committee should continue to allocate one 90-minute slot each week.

### Replacing the adjournment motion

The use of 'general debate' motions has been successful in the main Chamber and the time has come to extend the practice to Westminster Hall. We so recommend.

'General debate' motions should remain neutral—that is, merely descriptive and not used to convey any argument or expression of opinion—and the Chairman of Ways and Means should use his power to determine business to ensure that they do so.

### Substantive motions

We believe that substantive business should be reserved for the main Chamber and not

taken in Westminster Hall. Nonetheless we conclude that—so long as the Chairman of Ways and Means ensures neutrality of expression in such motions—the use of ‘general debate’ motions could go some way towards achieving the aim of the Liaison Committee to increase the value of debates on reports, for example by drawing attention to only one or a handful of recommendations in its report, or linking together aspects of reports from more than one committee that touched on the same subject.

#### **The Chairman of Ways and Means**

To improve the clarity of the arrangements in Westminster Hall, and to remove any uncertainty over responsibility for Thursday sittings, we recommend that the Chairman of Ways and Means should be given overall responsibility for the business at all sittings in Westminster Hall. There would be no change in the arrangements for the week-by-week determination of business. Business on a Thursday would continue to be allocated by the Liaison and Backbench Business Committees as provided for in Standing Order No. 10, which we recommend should also be amended to enable both those committees to allocate business at a single sitting.

#### **Powers of the Chair in Westminster Hall**

We recommend that the Chair in Westminster Hall should have the power to order a disorderly Member to withdraw from the sitting. If a disorderly Member refuses to withdraw when ordered by the Chair, the Chair should have the power to suspend the sitting and to report the conduct of the Member to the House.

#### **Rationalising Standing Order No. 10**

We recommend that paragraphs (9) and (12), and the second half of paragraph (6), of Standing Order No. 10 should be repealed, as they are not used and therefore serve no purpose.



# 1 Introduction

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1. Westminster Hall sittings began in November 1999 following a report earlier that year by the Modernisation Committee.<sup>1</sup> Since then those sittings have evolved principally into a forum for backbench business. Westminster Hall is widely held to be a success and provides “expanded opportunities for backbench MPs and for oversight of the executive”.<sup>2</sup> We have been told that Members value the “spontaneity and fun” of attending debates in Westminster Hall by comparison with debates in the main Chamber.<sup>3</sup>

2. Tuesday and Wednesday sittings in Westminster Hall comprise a sequence of 30 and 90-minute debates on subjects raised by individual backbenchers, determined by a ballot conducted by the Speaker’s office. The sittings last from 9.30 am to 5 pm with ‘injury time’ for divisions in the House and a suspension covering the period of Question time in the main Chamber. Thursday sittings take the form of one or more debates from 1.30 pm to 4.30 pm on topics chosen by the Liaison Committee or determined by the Backbench Business Committee. Since July 2012 occasional Monday sittings, starting at 4.30 pm and ending at 7.30 pm, have been held for consideration of e-petitions as determined by the Backbench Business Committee.

3. In 2012 we recommended that one of the 90-minute debates each week should be chosen by the Backbench Business Committee, instead of by ballot, on a trial basis. That experiment is now due for evaluation. Following the conclusion of our most recent inquiry into sitting hours, we consider this to be an opportune time to take a wide-ranging look at the way time is used in Westminster Hall.

4. This report offers some modest and, we trust, uncontroversial recommendations on how to improve the conduct of business in Westminster Hall;<sup>4</sup> we are not calling for root-and-branch reform. That would not only be unnecessary but also most likely unwelcome to those Members who value the debating opportunities provided in Westminster Hall. Rather than a complete upheaval, we offer the House a package of reasonable and practical reforms which will enhance Members’ experience of debating in the second chamber.

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1 Select Committee on Modernisation of the House of Commons, Second Report of Session 1998-99, [Sittings of the House in Westminster Hall](#), HC 194

2 Mr Graham Allen MP [BWH 09](#) para 1

3 Q10

4 Q26

## 2 Arrangement of debates

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### Introduction of one hour debates

5. Business on Tuesday and Wednesday sittings is determined by the Chairman of Ways and Means under Standing Order No. 10(3). Whilst the Standing Order allows the Chairman to determine a range of business, in practice a fixed pattern of backbench debates has been established. This pattern of 30 and 90-minute debates is set out in Figure 1. The sitting is suspended at 11.30 am until 2.30 pm, which allows Members to be present in the main Chamber for Questions. Sittings are also suspended for any division. The topics for debate are principally chosen by ballot.<sup>5</sup>

Figure 1 Current sitting pattern in Westminster Hall on Tuesdays and Wednesdays



6. In his written evidence to our inquiry the then Clerk of the House described the “occasional, though not infrequent, imbalance between the number of Members wishing to participate in these debates and the time available”, and suggested that “the slightly inflexible arrangements, and the incentive to Members to maximise their chances of securing a debate by applying indiscriminately for both thirty-minute and ninety-minute slots, means that time can be used inefficiently.”<sup>6</sup> Figures on attendance at Westminster Hall debates show that a significant number of 30-minute debates attract seven or more Members, some of whom may wish to speak or at least make interventions, potentially reducing the time available for the Member raising the matter and for the Minister to respond.<sup>7</sup> This number of additional participants squeezes the time available if the Member in charge takes interventions but would not necessarily justify the provision of a full 90-minute slot.

7. The available debate slots could match the demand for time better than they do currently. Half-hour debates are best suited to specific issues, such as matters which affect only a certain Member’s constituency, as time does not permit many interventions and still allow the Member in charge and the Minister sufficient time. There are occasions where other Members would value the opportunity to contribute to a debate but would not adequately fill a 90-minute slot. **We recommend the introduction of a one hour debate slot which would provide additional flexibility alongside the current timing options.**

8. This additional option should not be used merely as another opportunity for Members to maximise their chance of success in the ballot. Members should be encouraged to consider how many Members might wish to speak in their debate and whether there is likely to be sufficient Member interest to justify the allocation of a longer time slot. **We**

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5 The Backbench Business Committee nominate their weekly debate and in instances where there is sufficient public demand the Chairman of Ways and Means can nominate a debate.

6 Clerk of the House [BWH 07](#) para 19

7 Paul Evans Principal Clerk of the Table Office [BWH 010](#) para 2

**recommend that on application for a debate a maximum of two out of the three time slot options should be selectable.**

### ***Opposition front bench contributions***

9. Interventions or speeches from the Opposition front bench are not permitted in half-hour adjournment debates.<sup>8</sup> In 90-minute debates, however, the Opposition front bench is expected to contribute, and the Chair will manage the debate in such a way as to allow an appropriate amount of time for speeches from the main Opposition party or parties as well as the Minister. The introduction of an hour-long debate raises the question of whether Opposition frontbench contributions should be expected.

10. If Members other than the initiating Member and the Minister are to be enabled to participate in these debates, we think it reasonable that the main Opposition parties should have the opportunity to set out their position on the matter under consideration. They should not do so at such length as to squeeze out the contributions of backbench Members, nor—just as importantly—that of the Minister, but **so long as they are brief we recommend that Opposition spokespeople be able to participate in hour-long debates in Westminster Hall. We trust that Chairs in Westminster Hall, backed by the Chairman of Ways and Means and the Panel of Chairs, will offer robust guidance to Opposition spokespeople on the appropriate length of their speeches.**

### ***Accommodating the option of an additional time slot***

11. There are a number of options for how to accommodate the additional option of an hour-long debate. The then Clerk of the House's memorandum proposes an arrangement whereby longer notice of the topics for debate—perhaps two weeks, rather than the current one—is given, and the Chairman of Ways and Means allocates timeslots one week in advance according to the number of Members expressing a wish to speak in each debate.<sup>9</sup> We see some advantages to such an approach but in our view the combination of the unpredictability of the timing of debates week by week and the need to encourage Members to indicate their intention to speak in a debate—not currently required in Westminster Hall—makes this option undesirable. The remaining options therefore come down to either replacing one or more of the existing debate slots, or adding an extra slot or slots to those already available. We do not wish to restrict the opportunities already available to Members in Westminster Hall, so the option of replacing existing slots is ruled out. Equally, we acknowledge that extending the number of debates in which a Minister would need to participate may place an unwelcome burden on Government. **We therefore conclude that the option of an hour-long debate should be accommodated by extending the final debate on Tuesdays and Wednesdays from half an hour to a full hour.** The evidence we have received suggests that debates are popular and oversubscribed and that this modest extension of the sitting times would be justified. Figure 2 shows how the pattern would be altered as a result.

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<sup>8</sup> *Erskine May*, 24<sup>th</sup> edition (London, 2011), p.389

<sup>9</sup> Clerk of the House [BWH07](#) para 28

**Fig. 2 Current arrangement compared with proposed arrangement of debates on Tuesdays and Wednesdays**

90 mins	30 mins	90 mins	30 mins	30 mins
90 mins	30 mins	90 mins	30 mins	60 mins

### Timing of Thursday sittings

12. The sittings of the House were changed in 2012 and business in the main Chamber now begins at 9.30 am on a Thursday rather than 10.30 am. The Thursday sitting in Westminster Hall was also brought forward by one hour, from 2.30 pm to 1.30 pm. Evidence we have received suggests that the Thursday afternoon session could “start a little earlier”.<sup>10</sup> As our report on sittings of the House noted,

it is in the interests of the efficient use of Members’ time to enable them to get back to their constituencies on a Thursday evening [...] an earlier finish on Thursdays would assist some Members to do so, particularly those who have a significant distance to travel.<sup>11</sup>

There have been a number of occasions on which Westminster Hall has risen later than the main Chamber, which as well as being undesirable in itself also works against efforts to allow Members to return to their constituencies.<sup>12</sup> We see no reason why the Westminster Hall Thursday sitting should not begin earlier, as it would not involve any clash with questions or (other than in very exceptional circumstances) statements in the main Chamber. **We recommend that the Thursday sitting should be brought forward by one hour, with a starting time of 12.30 pm and finishing time (subject to divisions in the House) of 3.30 pm.**

### Exchanging Monday and Thursday business

13. The then Clerk of the House recommended that the Committee should consider the merits of swapping the Thursday debates to a Monday and debates on e-petitions to Thursdays. The Chairman of Ways and Means suggested that this proposition merited consideration because of ‘the current risk of clash between Thursday afternoon Backbench Business debates in Westminster Hall and the main Chamber’.<sup>13</sup> In his evidence Paul Evans, Principal Clerk of the Table Office, suggested that “the main problem is that because [Thursday] is now the main day for backbench business, quite often there will be a select committee-inspired debate in the main Chamber at the same time as something on quite a similar topic is going on in Westminster Hall, or vice versa.”<sup>14</sup>

14. Moving the Thursday backbench and select committee debates from a Thursday to a Monday—when the business in the Chamber is usually Government business—would not

10 Mr Mark Harper MP [BWH 03](#) para 4

11 Procedure Committee, 1<sup>st</sup> Report of Session 2012-13, [Sitting hours and the Parliamentary calendar](#), HC 330, para 37

12 Thursday 11 September 2014, Thursday 16 May 2013, Thursday 23 February 2012, Thursday 19 January 2012

13 Chairman of Ways and Means [BWH 06](#) para 9

14 Q2

of course remove the possibility of clashes between similar business; but we consider that it would be desirable if backbench and select committee business were not regularly scheduled at the same time as backbench business in the Chamber. The occasional e-petition debates—which we are considering further as part of the inquiry into e-petitions referred to us by the House on 8 May 2014—could just as well take place on Thursdays as on Mondays. **We therefore recommend that Liaison and Backbench Business Committee debates should take place on Monday and e-petitions should be debated on a Thursday. Our successors in the new Parliament may wish to review the change and make a recommendation about whether the change should continue or be reversed.**

### Trial of 90-minute debate allocation

15. In a 2012 report we recommended that one of the 90-minute Westminster Hall debates each week should be chosen by the Backbench Business Committee for a trial period, after which time we would assess whether it should continue.<sup>15</sup> The trial began at the start of this year and is now due for review.

16. The Backbench Business Committee has nominated debates on a little under half of the eligible weeks. When it has not made a nomination one has been supplied by the ballot. There is therefore a useful flexibility in the arrangement, enabling Members to make their case to the Backbench Business Committee if they wish rather than relying on the vagaries of the ballot, and giving that Committee an additional option for the allocation of time, whilst keeping the ballot system as a back-up.<sup>16</sup> The Backbench Business Committee itself is content to retain the responsibility. The Members who wrote to us have said they are happy with this arrangement and would like it to continue. **We recommend that the Backbench Business Committee should continue to allocate one 90-minute slot per week.**

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15 Procedure Committee, Second Report of Session 2012-13, [Review of the Backbench Business Committee](#), HC 168, para 54

16 Chairman of Ways and Means [BWH06](#) para 8

## 3 Form of motion

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### Replacing the adjournment motion

17. Debates in Westminster Hall arise on a motion for the adjournment. Following a [report](#) by the Modernisation Committee the use of the adjournment motion, other than for the end of day debate, was discontinued in 2007 in the main Chamber.<sup>17</sup> General debate motions—“That this House has considered [a specified matter]”—were introduced as a clearer replacement. The report suggested that, in light of the experience in the Chamber, the Procedure Committee should consider the use of general debate motions in Westminster Hall.

18. The use of adjournment motions in Westminster Hall is somewhat anachronistic and confusing for visitors and the public.<sup>18</sup> General debate motions are already used in Westminster Hall for e-petition debates. **The use of ‘general debate’ motions has been successful in the main Chamber and the time has come to extend the practice to Westminster Hall.**

### Right of reply

19. The substitution of ‘general debate’ motions for adjournment motions raises a further procedural point, which is the ‘right of reply’. The general rule in debate is that a Member may speak only once to the same question. An exception to that rule is that a right of reply is allowed to a Member who has moved a substantive motion.<sup>19</sup> That right does not currently apply during Westminster Hall proceedings, because debate occurs on a single motion for the adjournment which is moved formally (usually by a Government Whip) at the start of the day’s proceedings. If, instead, the motion for each debate is moved at the start of debate by the initiating backbencher, that backbencher has, in principle, the right of reply at the end of the debate.

20. We do not expect this change to cause any difficulty in practice. The ‘right of reply’ is not an absolute right to speak; it means rather that a Member may speak twice if called by the Chair without also seeking the leave of the House. It will be for the Chair to decide whether in any particular instance it is appropriate to call the initiating Member at the end of debate. We would not expect the Chair to do so in the case of half-hour debates, but it may be that the Chair might consider it appropriate if time were available at the end of a longer debate (as regularly happens—with leave—in the case of a select committee Chair at the end of a Thursday afternoon debate on a select committee report).

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17 Select Committee on Modernisation of the House of Commons, First report of Session 2006-07, [Revitalising the Chamber: the role of the back bench Member](#), para 85

18 Chairman of Ways and Means [BWH06](#) para 12 and Clerk of the House [BWH07](#) para 32

19 *Erskine May*, 24<sup>th</sup> Edition (London, 2011), p.435

### *Neutrality of motions*

21. ‘General debate’ motions should remain neutral—that is, merely descriptive and not used to convey any argument or expression of opinion—and the Chairman of Ways and Means should use his power to determine business to ensure that they do so. This will guarantee that they fall within the ambit of Standing Order No. 24B, which provides that amendments may not be tabled to such motions. As the motions are intended only as vehicles for debate they are seldom divided on in the main Chamber, although occasionally, particularly if the matter is contentious, there is a vote. We consider it unlikely that anyone would seek to force a division on such a motion in Westminster Hall: as votes cannot take place there, if the Chair’s opinion as to the decision on the question were challenged, the question would not be decided, under Standing Order No. 10(11).

### *Disposal of the motion*

22. The use of ‘general debates’ in place of the current procedure of a single motion for the adjournment moved at the start of each sitting will require a standing order change to provide for the disposal of the motion being debated before the next motion is moved at the start of the following debate. **We recommend that Standing Order No. 10 be amended to allow the Chairman of Ways and Means to specify the finishing time of any business taken at a sitting in Westminster Hall; and for the motion then under consideration to lapse at that time if not previously disposed of.**

### *Substantive motions*

23. The Liaison Committee’s 2012 [report on Select committee effectiveness, resources and powers](#) suggested that debates on select committee reports in Westminster Hall would be enhanced if they took place on a substantive motion.<sup>20</sup> The Liaison Committee argued that the use of non-substantive motions meant that the House could not endorse, or express a view on, any aspect of the report. Following the report’s publication Sir Alan Beith, the Chair of that Committee, wrote to our Chair requesting that we examine the practical and procedural implications of taking substantive motions in Westminster Hall.

24. There is evidence of support amongst some Members for the use of substantive motions.<sup>21</sup> On the other hand we have received evidence from other Members who do not wish to see votable motions in Westminster Hall, and there is a clear desire to steer away from “replication of the main Chamber”.<sup>22</sup>

25. We recognise the potential advantages of debating substantive motions in Westminster Hall, in increasing interest in the debate and focussing attention on specific issues. There are, however, significant procedural difficulties. Votes cannot be taken in Westminster Hall. If the Chair’s decision on the question on a substantive motion were challenged, the

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20 Liaison Committee, Second Report of Session 2012-13, [Select committee effectiveness resources and powers](#), HC 697, para 48

21 Caroline Lucas MP [BWH 01](#) para 6

22 Mr Graham Allen MP [BWH 09](#) para 2

question would have to go to the House in order for a decision to be made. Standing Order No. 10(11) provides for the question on such a motion to be put forthwith (with no possibility of debate, explanation or comment) if it is moved in the House, but that would require the Government, Backbench Business Committee or Opposition to table the motion on a day on which they had control of the business. We do not consider either of the possible resulting scenarios—either the motion remaining ‘in limbo’, undecided, because it had not been moved in the House, or the question being decided on a vote forthwith in the House, divorced from and possibly sometime after the debate which had taken place in Westminster Hall—particularly attractive. Further procedural complexity is introduced by the fact that, as the Government points out in its response to the Liaison Committee’s report, were substantive motions to be taken in Westminster Hall “there would inevitably be pressure for amendments to be considered and decided upon”.<sup>23</sup> The Clerk of the House told us “If amendments were contemplated, that would require complicated provisions which would not, I think, be desirable”, and we agree.<sup>24</sup> **We conclude that substantive business should be reserved for the main Chamber and not taken in Westminster Hall.**

26. Some of the objectives of the Liaison Committee’s recommendation could nevertheless be achieved through the change we propose at paragraph 18 above. The Clerk of the House’s memorandum says

In 2005, the Modernisation Committee noted, but set to one side, the argument that the use of substantive take note motions might narrow the scope of debate undesirably. The other side of this coin is that they could be used to focus attention on particular issues and advertise more clearly to other Members the real subject of debate, particularly at Thursday sittings. For example, a select committee might wish to draw attention to only one or a handful of recommendations in its report: this could be done by a motion such as “That this House has considered the recommendation of the Administrative Affairs Committee in its Thirteenth Report of this Session that the cost of shotgun licences be increased” or similar. Or a motion could be used to link together aspects of reports from more than one committee that touched on the same subject. If these motions remain unamendable and sittings in Westminster Hall remain unable to reach a resolution except by unanimity, there seems little risk that this form of motion will undermine the generally open-ended nature of debate there, and there would be considerable advantage in being able to signal clearly to other Members and the wider public what the debate was actually about.<sup>25</sup>

We sympathise with the desire to make the subjects of debates clearer to both Members and the public—and perhaps also more focussed—and consider that the then Clerk’s suggestion offers a useful way of achieving that aim. We do nevertheless have one caveat. In our view, agreeing to the example motion used above could be interpreted as agreement

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23 Liaison Committee, Third Report of Session 2010-12, [Select committee effectiveness resources and powers: responses to the Committee’s Second Report of Session 2012-13](#), HC 911, Appendix A

24 Clerk of the House [BWH 07](#) para 32

25 Clerk of the House [BWH 07](#) para 33



with the recommendation that shotgun licences be increased, and the motion therefore does not pass the neutrality test. If the motion were to draw attention to the *subject* of the recommendation only, for example “That this House has considered the recommendations concerning the cost of shotgun licences contained in the Thirteenth Report of the Administrative Affairs Committee”, we think it would be sufficiently neutral. **So long as the Chairman of Ways and Means ensures neutrality of expression in such motions, as we recommend above, we see no reason why ‘general debate’ motions of the kind envisaged by the then Clerk of the House—such as to draw attention to only one or a handful of issues in its report, or to link together aspects of reports from more than one committee that touched on the same subject—should not be debated in Westminster Hall.**

## 4 Other changes

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### The Chairman of Ways and Means

27. Currently only Tuesday and Wednesday sittings are under the control of the Chairman of Ways and Means. Thursday sittings are provided for by paragraphs (4) and (15) of Standing Order No. 10. Up to twenty sessions are allocated by the Liaison Committee and any remaining sessions are determined by the Backbench Business Committee. The Standing Order does not allow the Committees to share any one sitting, although they have done so informally by allocating business proposed by the other committee.

28. The then Clerk of the House's memorandum says

At present, the Standing Order places the Chairman of Ways and Means explicitly in charge of the sittings in Westminster Hall on Tuesday and Wednesdays, but since the Government ceded any control of Thursday sittings it has left the authority for those sittings somewhat unclear. The Standing Order might be amended to make clear that all business at sittings in Westminster Hall is under the general direction of the Chairman of Ways and Means, while retaining the provisions for determining the business by the Backbench Business and Liaison Committees.<sup>26</sup>

As the Chairman of Ways and Means notes,

this move would give a single point of authority for all sittings, and would remove uncertainty about the oversight of Thursday sittings [...] The appointment of business for each day would of course continue to reflect the requirements set out in Standing Orders, protecting the nomination of debates by the Liaison and Backbench Committees. One advantage could be that, in the event that neither Committee nominated a subject for debate on a Thursday afternoon, my oversight might allow me to nominate a replacement subject.<sup>27</sup>

**29. We recommend that the Chairman of Ways and Means should be given overall responsibility for the business at all sittings in Westminster Hall. Business on a Thursday would continue to be allocated by the Liaison and Backbench Business Committees as provided for in Standing Order No. 10, which we recommend should also be amended to enable both those committees to allocate business at a single sitting.**

### Powers of the Chair in Westminster Hall

30. Standing Order No. 10 disappplies certain standing orders which relate to the disciplinary powers of the Chair. It has been the case, although infrequently, that a Member "behaves poorly" in Westminster Hall, at which point the Chair only has the

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26 Clerk of the House [BWH07](#) para 25

27 Chairman of Ways and Means [BWH06](#) para 10

power to ask them to withdraw.<sup>28</sup> In his memorandum the then Clerk of the House noted that ‘the only weapon of last resort available to the Chair, in the case of persistent defiance of its authority, is the implicit power to suspend the sitting’.<sup>29</sup> He suggested that “there is a case for giving a power to the Chair in Westminster Hall to trigger the use of the relevant standing orders in the House itself relating to conduct at a sitting in Westminster Hall”, adding, “Of course, the purpose of giving the Chair such a power of last resort would be to make it more likely that it need never be invoked.”<sup>30</sup>

31. We agree that there should be mechanisms which discourage Members from disorderly behaviour. However we do not consider it appropriate to put the Speaker in a position where, having received a report about the conduct of a Member from the Chair in Westminster Hall, he must then exercise his powers under the standing orders in respect of behaviour of which he has no first-hand knowledge. The Chairman of Ways and Means said that he did not have strong views on the matter but appreciated that ‘a deterrent is always useful’.<sup>31</sup> The power to suspend a sitting and report behaviour should be made explicit but should not trigger the use of those standing orders which suspend a Member. **We recommend that the Chair in Westminster Hall should have the power to order a disorderly Member to withdraw from the sitting. If a disorderly Member refuses to withdraw when ordered by the Chair, the Chair should have the power to suspend the sitting and to report the conduct of the Member to the House.**

### Rationalising Standing Order No. 10

32. Paragraph (9) of the Standing Order provides for legislative business to be taken in Westminster Hall. From the outset the Government said that it did not intend to use Westminster Hall for this purpose<sup>32</sup> and “there has been no evidence over the 15 years that the House wants to do that”.<sup>33</sup> Evidence we have received supports this view.<sup>34</sup> **We recommend that paragraph (9) of Standing Order No. 10 should be repealed.**

33. Paragraph (12) of the Standing Order provides for business other than adjournment debates to be vetoed if ‘not fewer than six Members rise in their places and signify their objection’. If our recommendation in paragraph 18 is accepted then general debate motions would be open to veto. The purpose of paragraph (12) was to provide protection for the minority against the Government forcing legislative business through Westminster Hall. As we recommend withdrawing that mechanism **we recommend that paragraph (12) should also be repealed.** Repealing would have the additional benefit of protecting general debate motions from being vetoed.

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28 Q33

29 Clerk of the House [BWH 07](#) para 40

30 Clerk of the House [BWH 07](#) para 41

31 Chairman of Ways and Means [BWH 06](#) para 14

32 Select Committee on Modernisation of the House of Commons, Second Report of Session 1998-99, [Sittings of the House in Westminster Hall](#), HC 194, para 33

33 Q1

34 Mr Mark Harper MP [BWH 03](#) para 2/Sir Bob Russell MP [BWH 08](#), para 1 Mr Simon Cramp [BWH 02](#) para 3

34. Part two of paragraph (6) provides for the House to appoint ‘not more than four members of the Panel of Chairs to sit in Westminster Hall as Deputy Speaker’. The system currently used of sharing the responsibility of chairing Westminster Hall around the Panel of Chairs works well and this provision “has long fallen into disuse”.<sup>35</sup> **We recommend that this provision of paragraph (6) should be repealed.**

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35 Chairman of Ways and Means [BWH06](#) para 13

## Annex: Standing Order No. 10

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### Current form of Standing Order No. 10:

(1) On days on which the House shall sit after an address has been agreed to in answer to Her Majesty's Speech there shall be a sitting in Westminster Hall

(a) on Mondays beginning at half-past four o'clock and continuing for up to three hours, if the Backbench Business Committee has reported its determination that a sitting in Westminster Hall to consider an e-petition or e-petitions should take place on that day;

(b) on Tuesdays and Wednesdays beginning at half past nine o'clock, which shall be suspended from half past eleven o'clock until half past two o'clock and may then continue for up to a further two and a half hours; except that if the Tuesday or Wednesday immediately follows a periodic adjournment of the House of more than two days, the sitting shall be between half past nine o'clock and two o'clock; and

(c) on Thursdays beginning at half past one o'clock and continuing for up to three hours,

and in calculating the periods of two and a half or three hours no account shall be taken of any period during which the sitting may be suspended owing to a division being called in the House or a committee of the whole House.

(2) Any Member of the House may take part in a sitting in Westminster Hall.

(3) On Tuesdays and Wednesdays, the business taken at any sitting in Westminster Hall shall be such as the Chairman of Ways and Means shall appoint and may include oral answers to questions under arrangements to be made by him.

(4) Subject to paragraph (15), the business taken at any Thursday sitting in Westminster Hall shall be such as the Backbench Business Committee shall determine.

(5) (a) The business taken at a Monday sitting in Westminster Hall shall be the e-petition or e-petitions which the Backbench Business Committee has determined should be debated, and each such e-petition shall be debated on the motion, That this House has considered the e-petition relating to [subject of petition].

(b) Paragraph (12) of this Order shall not apply to proceedings under sub-paragraph (a) of this paragraph; no dilatory motion may be made in relation to proceedings under that sub-paragraph except by a Minister of the Crown; and the question on any such dilatory motion shall be put forthwith.

(6) The Chairman of Ways and Means or a Deputy Chairman shall take the chair in Westminster Hall as Deputy Speaker; and the House may appoint not more than four other members of the Panel of Chairs to sit in Westminster Hall as Deputy Speaker.

(7) Any member of the Panel of Chairs may also take the chair at a sitting in Westminster Hall when so requested by the Chairman of Ways and Means, with the duties and powers conferred on additional Deputy Speakers; and Members so appointed shall be addressed by name.

(8) Any order made or resolution come to at a sitting in Westminster Hall (other than a resolution to adjourn) shall be reported to the House by the Deputy Speaker and shall be deemed to be an order or resolution of the House.

(9) If a motion be made by a Minister of the Crown that an order of the day be proceeded with at a sitting in Westminster Hall, the question thereon shall be put forthwith, but such motion may be made only with the leave of the House and may not be made on a Friday.

(10) The quorum at a sitting in Westminster Hall shall be three.

(11) If at a sitting in Westminster Hall the opinion of the Deputy Speaker as to the decision of a question (other than a question for adjournment) is challenged, that question shall not be decided, and the Deputy Speaker shall report to the House accordingly; and any such question shall be put forthwith upon a motion being made in the House.

(12) If any business other than a motion for adjournment is under consideration at a sitting in Westminster Hall, and not fewer than six Members rise in their places and signify their objection to further proceedings, that business shall not be further proceeded with in Westminster Hall, and the Deputy Speaker shall report to the House accordingly, and any order under paragraph (9) above relating thereto shall be discharged.

(13) At the end of each sitting in Westminster Hall, unless a question for adjournment has previously been agreed to, the Deputy Speaker shall adjourn the sitting without putting any question; and proceedings on any business which has been entered upon but not disposed of shall lapse.

(14) The provisions of Standing Orders No. 29 (Powers of chair to propose question), No. 36 (Closure of debate), No. 37 (Majority for closure or for proposal of question), No. 38 (Procedure on divisions), No. 39 (Voting), No. 40 (Division unnecessarily claimed), No. 41 (Quorum), No. 43 (Disorderly conduct), No. 44 (Order in debate), No. 45 (Members suspended, &c., to withdraw from precincts), No. 45A (Suspension of salary of Members suspended) and No. 163 (Motions to sit in private) shall not apply to sittings in Westminster Hall.

(15) In each Session, the Speaker shall appoint twenty Thursdays on which the business to be taken in Westminster Hall should be debates on select committee reports chosen by the Liaison Committee, but the Speaker may appoint fewer than twenty days with the agreement of the Liaison Committee.

### **Proposed form of Standing Order No. 10:**

(1) On days on which the House sits there shall also be a sitting in Westminster Hall—

(a) on Mondays beginning at 4.30 pm and continuing for up to three hours;

(b) on Tuesdays and Wednesdays beginning at 9.30 am, which shall be suspended from 11.30 am till 2.30 pm and may then continue for up to a further three hours; and

(c) on Thursdays beginning at 12.30 am and continuing for up to three hours, if the Backbench Business Committee has reported its determination that a sitting in Westminster Hall to consider an e-petition or e-petitions should take place on that day.

(2) The exceptions are as follows.

(a) That there will be no sittings in Westminster Hall until the House has concluded its debate on the Queen's Speech at the commencement of each Session.

(b) That if the sitting occurs on a Tuesday or Wednesday which is the first day on which the House sits immediately following a periodic adjournment of the House of more than two days, the sitting shall be between 9.30 am and 2.30 pm.

(3) When a sitting (including the time when a sitting is due to commence or resume), or any part of a sitting, in Westminster Hall coincides with a sitting of the House, the Chair shall suspend the sitting to allow Members to participate in any division called in the House or a committee of the whole House, and the time taken for any such suspensions shall be added to the duration of the sitting in Westminster Hall specified in paragraph (1) of this order and to any time specified by the Chairman of Ways and Means under paragraph (6) of this order.

(4) Any Member of the House may take part in a sitting in Westminster Hall.

(5) The quorum at a sitting in Westminster Hall shall be three.

(6) The business taken at any sitting in Westminster Hall shall be such as the Chairman of Ways and Means shall appoint, and may include oral questions. The Chairman of Ways and Means may specify the finishing time of any business taken at a sitting in Westminster Hall; and the motion under consideration shall lapse at that time if not previously disposed of.

(7) Notwithstanding paragraph (6), the business taken at any Monday sitting in Westminster Hall shall be such as the Backbench Business Committee or the Liaison Committee shall determine; and so far as possible the time available at such sittings during a Session shall be divided as nearly as practical equally between those committees, subject to the agreement of the Chairs of those committees.

(8) The Chairman of Ways and Means or a Deputy Chairman may take the chair in Westminster Hall as Deputy Speaker; and any member of the Panel of Chairs may also take the chair at a sitting in Westminster Hall when so requested by the Chairman of Ways and Means.

(9) If any Member persistently defies the authority of the Chair at a sitting in Westminster Hall, the Chair of that sitting may order the Member to withdraw from that sitting; and if the Member does not do so, the Chair may suspend the sitting and report the conduct of the Member to the House.

(10) Any resolution come to at a sitting in Westminster Hall (other than a resolution to adjourn) shall be reported to the House by the Chair of the sitting and shall be a resolution of the House.

(11) If at a sitting in Westminster Hall the opinion of the Chair as to the decision of a question (other than a question for adjournment) is challenged, that question shall not be decided, and the Chair shall report to the House accordingly; and any such question shall be put forthwith upon a motion being made in the House.

(12) At the end of each sitting in Westminster Hall, unless a question for adjournment has previously been agreed to, the Chair shall adjourn the sitting without putting any question; and proceedings on any business which has been entered upon but not disposed of shall lapse.

(13) The provisions of Standing Orders No. 29 (Powers of chair to propose question), No. 36 (Closure of debate), No. 37 (Majority for closure or for proposal of question), No. 38 (Procedure on divisions), No. 39 (Voting), No. 40 (Division unnecessarily claimed), No. 41 (Quorum), No. 43 (Disorderly conduct), No. 44 (Order in debate), No. 45 (Members suspended, &c., to withdraw from precincts), No. 45A (Suspension of salary of Members suspended) and No. 163 (Motions to sit in private) shall not apply to sittings in Westminster Hall.



# Conclusions and recommendations

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## Arrangement of debates

1. We recommend the introduction of a one hour debate slot which would provide additional flexibility alongside the current timing options. (Paragraph 7)
2. We recommend that on application for a debate a maximum of two out of the three time slot options should be selectable. (Paragraph 8)
3. So long as they are brief we recommend that Opposition spokespeople be able to participate in hour-long debates in Westminster Hall. We trust that Chairs in Westminster Hall, backed by the Chairman of Ways and Means and the Panel of Chairs, will offer robust guidance to Opposition spokespeople on the appropriate length of their speeches. (Paragraph 10)
4. The option of an hour-long debate should be accommodated by extending the final debate on Tuesdays and Wednesdays from half an hour to a full hour. (Paragraph 11)
5. We recommend that the Thursday sitting should be brought forward by one hour, with a starting time of 12.30 pm and finishing time (subject to divisions in the House) of 3.30 pm. (Paragraph 12)
6. We recommend that Liaison and Backbench Business Committee debates should take place on Monday and e-petitions should be debated on a Thursday. Our successors in the new Parliament may wish to review the change and make a recommendation about whether the change should continue or be reversed. (Paragraph 14)
7. We recommend that the Backbench Business Committee should continue to allocate one 90-minute slot per week. (Paragraph 16)

## Form of motion

8. The use of ‘general debate’ motions has been successful in the main Chamber and the time has come to extend the practice to Westminster Hall. (Paragraph 18)
9. ‘General debate’ motions should remain neutral—that is, merely descriptive and not used to convey any argument or expression of opinion—and the Chairman of Ways and Means should use his power to determine business to ensure that they do so. (Paragraph 21)
10. We recommend that Standing Order No. 10 be amended to allow the Chairman of Ways and Means to specify the finishing time of any business taken at a sitting in Westminster Hall; and for the motion then under consideration to lapse at that time if not previously disposed of. (Paragraph 22)
11. We conclude that substantive business should be reserved for the main Chamber and not taken in Westminster Hall. (Paragraph 25)

12. So long as the Chairman of Ways and Means ensures neutrality of expression in such motions, as we recommend above, we see no reason why ‘general debate’ motions of the kind envisaged by the then Clerk of the House—such as to draw attention to only one or a handful of issues in its report, or to link together aspects of reports from more than one committee that touched on the same subject—should not be debated in Westminster Hall. (Paragraph 26)

### Other changes

13. We recommend that the Chairman of Ways and Means should be given overall responsibility for the business at all sittings in Westminster Hall. Business on a Thursday would continue to be allocated by the Liaison and Backbench Business Committees as provided for in Standing Order No. 10, which we recommend should also be amended to enable both those committees to allocate business at a single sitting. (Paragraph 29)
14. We recommend that the Chair in Westminster Hall should have the power to order a disorderly Member to withdraw from the sitting. If a disorderly Member refuses to withdraw when ordered by the Chair, the Chair should have the power to suspend the sitting and to report the conduct of the Member to the House. (Paragraph 31)
15. We recommend that paragraph (9) of Standing Order No. 10 should be repealed. (Paragraph 32)
16. We recommend that paragraph (12) should also be repealed. (Paragraph 33)
17. We recommend that this provision of paragraph (6) should be repealed (Paragraph 34)

# Formal Minutes

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**Wednesday 10 September 2014**

Members present:

Charles Walker, in the Chair

Mrs Jenny Chapman

Nic Dakin

Sir Roger Gale

John Hemming

David Nuttall

Jacob Rees-Mogg

Martin Vickers

Draft Report (*Business in Westminster Hall*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 34 read and agreed to.

Annex and Summary agreed to.

*Resolved*, That the Report be the First 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 from Paul Evans, Principal Clerk of the Table Office, was ordered to be reported to the House for publication on the internet.

[Adjourned till Wednesday 15 October at 4.30 pm]

## Witness

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The following witness gave evidence. Transcripts can be viewed on the Committee's inquiry page at [Business in Westminster Hall - UK Parliament](#)

**Wednesday 18 June 2014**

*Question number*

**Paul Evans**, Principal Clerk of the Table Office, House of Commons

[Q1-53](#)

## Published written evidence

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The following written evidence was received and can be viewed on the Committee's inquiry page at [Business in Westminster Hall - UK Parliament](#)

- 1 [Caroline Lucas MP](#)
- 2 [Simon Cramp](#)
- 3 [Mark Harper MP](#)
- 4 [Leader of the House of Commons](#)
- 5 [Rt Hon Lindsay Hoyle MP, Chairman of Ways and Means](#)
- 6 [Clerk of the House of Commons](#)
- 7 [Sir Bob Russell MP](#)
- 8 [Mr Graham Allen MP](#)
- 9 [Paul Evans, Principal Clerk of the Table Office](#)

# List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2013–14

First Report	Early Day Motions	HC 189
Second Report	Private Members' Bills	HC 188
Third Report	Programming	HC 767
Fourth Report	Written Parliamentary questions: monitoring report	HC 1046
Fifth Report	Private Members' bills: Government response and revised proposals	HC 1171
Sixth Report	Programming: proposal for a trial of new arrangements for the tabling of amendments to bills at report stage	HC 1220

## 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	HC 1063

	statements on amendments; (c) Written parliamentary questions—Government Response to the Committee’s Second Report of Session 2010–11	
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	HC 1869
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