



House of Commons
Procedure Committee

English votes for English laws Standing Orders: report of the Committee's technical evaluation

Third Report of Session 2016–17

*Report, together with formal minutes relating
to the report*

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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.

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Committee reports are published on the Committee's website at www.parliament.uk/proccom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

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Summary

The Procedure Committee has considered the operation of the system implementing the Government's policy of "English votes for English laws" (EVEL) as given effect by the changes made to the House of Commons Standing Orders on 22 October 2015. This report follows up on the interim report of the Committee on the Government's proposals for Standing Order changes issued on 19 October 2015.

Certification

The certification process required for primary and secondary legislation under EVEL places responsibilities on the Speaker which are of a character different from the other instances where he is required to certify legislation. Certifying legislation based on an interpretation of the legislative competence of each devolved institution carries potential difficulty, since the boundaries of such competences are not clearly defined.

The certification procedure has, to date, not given rise to situations where the Speaker's decisions on certification have been challenged, either by the Government or by opposition parties in the House. The application of the certification tests has revealed unexpected and unanticipated issues arising from legislative drafting, and no doubt further such issues will arise.

The Speaker is required to exclude from his consideration any "minor or consequential effects" of the legislation presented for certification. In consequence some Members are not able to vote on motions which consent to, or withhold consent from, legislative provisions which may have the effect of changing levels of public expenditure in England and thereby the base for calculation of the block grants to the devolved institutions.

We recommend that the practice of provisional certification of legislation before Report stage should continue. It would be helpful to Members if more detailed information about the process and timescale for certification, and consolidated information on the certification status of eligible bills and instruments, were available in one place online.

Effect on the legislative process

We note the lack of substantive debate in the new legislative grand committees on motions to give the consent of Members for constituencies in England or England and Wales on certified provisions of bills. In the absence of substantive debate, the formalities of moving the House between configurations dominate proceedings.

The Government has generally, but not consistently, arranged the programming of legislation so that the legislative grand committee stage has not taken time out of Report stage. We note, however, that the Government has not honoured an initial commitment to give additional time for consideration of a bill if the legislative grand committee stage gave rise to a debate. With the exception of the first bill to be taken in legislative grand committee under the new procedures, time for legislative grand committee has generally been taken at the expense of the time available at Third Reading. On two occasions, the

operation of programming has left no opportunity whatsoever for debate in legislative grand committee. We recommend that programme motions ought as a matter of course to ensure that time is available for debate in legislative grand committee.

We find that legislative grand committees are not acting as the bodies to allow Members for constituencies in England or England and Wales a separate and distinctive voice on legislation, and are not therefore delivering worthwhile benefits to such members. We examine several means whereby the House might better enable this separate voice to be expressed, and recommend that the Government consider such modifications. As an interim step, we propose a means to remove the formalities of legislative grand committee from the legislative process unless one or more Members demands debate on a motion to consent to certified provisions in a bill leaving Report stage.

We recommend the correction of one evident anomaly in the package of Standing Orders agreed on 22 October 2015, and draw a number of other issues of interpretation to the attention of the Government and the House for speedy rectification. On the whole we are deeply dissatisfied with the form and content of the new Standing Orders, following the experience of one year of their operation. The drafting of the new package is opaque and defies interpretation by Members, and its grafting on to the existing corpus of standing orders is alien to the House's traditions. The new package sits ill with this Committee's work to revise the archaic and inaccessible language of existing standing orders, and we recommend nothing less than a complete redraft.

The House Service has done an excellent job in interpreting and adapting to the new procedures, as far as that is possible. Those procedures manifestly do not command the respect and support from all parties which is the necessary foundation for a long-term and substantial change to the legislative process. We recommend that in its review the Government should urgently examine the complexity of the system it has designed and, in any revision, seek consensus from Members representing constituencies in all constituent nations of the UK.

Our evaluation of twelve months of the system in operation can only be provisional. There are bound to be challenges to the system as yet unencountered and unforeseen. We plan to undertake a further evaluation of the system in this Parliament and recommend that a successor committee in the next Parliament do likewise.

1 Implementation and operation of the new Standing Orders

This inquiry

1. The Committee has undertaken a technical evaluation of the operation of the procedures which were introduced in October 2015 to implement the Government's manifesto commitment to set up a system of "English votes for English laws" in the House of Commons. The procedures were given effect by changes to the House's Standing Orders on 22 October 2015.

2. We announced this evaluation as a follow-up to our interim report on the Government's proposals, which we discuss further below. We published terms of reference and invited evidence on 13 January 2016, the day after the first sitting of the new legislative grand committees for England and for England and Wales.¹

3. We have taken oral evidence from Professor Michael Kenny and Daniel Gover, of the Mile End Institute, Queen Mary, University of London; from Paul Flynn MP, representing the Shadow Leader of the House, Valerie Vaz MP; from the Scottish National Party shadow Leader of the House and Chair of the Scottish Affairs Committee, Pete Wishart MP; and from Mr Jacob Rees-Mogg MP. We received written evidence from the Scottish National Party; the Mile End Institute; the then Presiding Officer of the National Assembly for Wales, Dame Rosemary Butler AM; Lady Hermon MP; Dr Louise Thompson of the University of Surrey, and the House of Commons Public Bill Office.²

4. Since the Government had indicated an intention to undertake a review of its own into the operation of the new procedures, we did not seek oral or written evidence from the Government as part of this review. The Leader of the House announced the Government's review on 26 October 2016. The Government has invited representations on any aspect of the new arrangements, and in particular on

- the operation of the certification test
- the impact of the Standing Orders on the legislative process
- any suggestions for how the process could be further improved, or how understanding of the process could be further supported.³

The Leader of the House has undertaken to take the views of this Committee and others into account in the review.⁴

1 Both committees were invited to consent to certified provisions of the Housing and Planning Bill.

2 The oral and written evidence taken is listed on page XX

3 Written Ministerial Statement [HCWS219](#), 26 October 2016. Details of the Government review are available at <https://www.gov.uk/government/publications/english-votes-for-english-laws-review>.

4 For the views of other Committees, see Public Administration and Constitutional Affairs Committee, Fifth Report of Session 2015–16, [The Future of the Union, part one: English Votes for English Laws](#), HC 523, and House of Lords Constitution Committee, Sixth Report of Session 2016–17, [English votes for English laws](#), HL Paper 61.

The Procedure Committee's interim report of October 2015

5. We issued an interim report on the Government's proposals for Standing Order changes to implement its policy of "English votes for English laws" on 19 October 2015, in anticipation of the debate and vote in the House on the Standing Order changes which took place on 22 October 2015.⁵ The Government provided its response to our report on 20 October, and we published it online the same day.⁶

6. The Government's tabled proposals for Standing Order changes comprised 15 new Standing Orders and amendments to 13 existing ones. The changes added some 30 pages to the 2015 edition of Standing Orders, increasing their length from 196 to 226 pages, and represent some 12 per cent of the contents of the 2016 edition.⁷

7. The Standing Order changes took immediate effect, though they did not apply to any bills which received a second reading in the House on or before 22 October 2015, any bills carried over from the previous Parliament, or any instruments or draft instruments laid on or before 22 October.⁸

8. We described the proposed procedure in our earlier report, and we do not repeat the description here. The substantive recommendations which we made in that report—several of which we return to below—were by and large not accepted by the Government, though the Government accepted one of our recommendations and anticipated two others:

- The Government accepted the argument that Standing Orders proposed by the Government should not fetter the power and discretion of the Speaker, and in the motion for standing order changes tabled on 20 October 2015 removed the requirement that the Speaker should not give reasons to the House for his decisions.
- The Government recognised the need for the Speaker, in certain circumstances, to be able to consult on proposed certification, and, anticipating a Committee recommendation, made provision in the draft motion published on 15 October 2015 for the Speaker to consult two senior members of the Panel of Chairs on certification, where necessary.⁹
- In the draft motion of 15 October 2015 the Government also made clear the intention that all members of the House would be able to speak and intervene in legislative grand committee proceedings at the discretion of the Chair.

The application of EVEL procedures to primary and secondary legislation and other instruments

9. Since 22 October 2015 all Government bills which had not already had a second reading, and all statutory instruments requiring approval which had not previously been

5 Votes and Proceedings, [22 October 2015](#).

6 The Government response is published online as [HC \(2015–16\) 410](#).

7 The new Standing Orders ([83J to 83X](#)) take up 28 of the 226 pages of the 2016 volume ([HC \(2016–17\) 2](#)) of Public Business Standing Orders (12.3 per cent of 226 pages). Altogether, the changes made added roughly 30 pages to the 2015 edition ([HC \(2015–16\) 1154](#)) of Standing Orders (15.3 per cent of 196 pages);

8 Order of 22 October 2015: see Votes and Proceedings, [22 October 2015](#).

9 On 28 October 2015 the Committee of Selection designated Sir Roger Gale and Mr Clive Betts as the members of the Panel of Chairs whom the Speaker may consult for this purpose in Session 2015–16.

laid before Parliament, have been considered for certification. The new procedures have been applied to 7 Commons Bills and 5 Lords Bills. 31 instruments subject to affirmative resolution and 4 instruments subject to negative resolution have been certified. 8 Budget Resolutions have been certified. 3 instruments which *prima facie* relate to England or England and Wales only and which are within devolved legislative competence have been presented for approval under the provisions of Standing Order No. 83R.¹⁰

10. Legislative grand committees have met to give consent to the certified provisions of ten bills. The Legislative Grand Committee (England, Wales and Northern Ireland) has met once; the Legislative Grand Committee (England and Wales) has met on 7 occasions and the Legislative Grand Committee (England) has met on 7 occasions. The total time taken in all legislative grand committees has been 1 hour 23 minutes: besides Ministers, five Members have spoken. On each occasion Ministers have invited the Committee to consent to the certified provisions of the Bill, and on each occasion the motion has been agreed to without a division.

11. 30 Lords Amendments, or motions relating to Lords Amendments, have been certified, giving rise to 9 divisions with double majority voting. In each of these divisions the motion has been agreed to, and on each occasion the majority of members representing constituencies in England, or England and Wales, have agreed with the majority of all Members.

12. 17 instruments subject to affirmative resolution have been certified as applying to England and Wales and 14 have been certified as applying to England only. Five divisions subject to double majority voting have taken place on motions to approve such instruments, one of which has been a deferred division. Each instrument has been approved by a majority of all Members and a majority of Members representing qualifying constituencies.

13. Four instruments subject to negative resolution have been certified following the tabling of a motion for their annulment (a 'prayer'). On one occasion a prayer on a certified instrument has been taken on the floor of the House, leading to a division with double majority voting. The motion was negated. We discuss the issues arising from double majority voting on annulment motions further below.

10 Details of the legislation affected, and a statistical breakdown, are available in the Annex.

2 Certification

14. In our earlier report we drew attention to the significance of the powers to be vested in the Speaker under the certification procedure proposed in the Standing Orders. While we noted the considerable powers and discretion the Speaker already has over decisions which affect the ability of Members to participate in proceedings, we observed that the power, through certification, of excluding certain classes of Member from decisions on primary and secondary legislation was a new departure.¹¹

15. We noted also the potential difficulties for the Speaker in determining whether provisions of legislation fall within devolved legislative competence, since disputes at the boundaries of legislative competence of each of the devolved institutions were inevitable.¹²

The Speaker's decisions

16. It is not the practice of the House that any decision or ruling of the Speaker shall be challenged. This convention has generally been observed in respect of the Speaker's decisions under certification.¹³ There have been no instances when his certification of bills or instruments have been explicitly challenged in the House. Prior to the introduction of the procedure, concerns had been raised that the requirement for certification might in some way cause the Speaker's office to be politicised and that the requirement on the Speaker to make such decisions would place him in a difficult political position. We have no evidence of this fear being borne out in relation to any of the certifications undertaken to date. Pete Wishart MP, who had previously discussed with us his concerns over the effect of the procedure on the office of the Speaker, conceded to us that the situation he feared had not in fact come to pass.¹⁴ We detect no dissatisfaction in the House over the quality of the decisions made by the Speaker on certification to date.

17. The House of Commons Public Bill Office (PBO) in its memorandum has set out a number of circumstances where the requirement for certification has required fine judgement to be made. There have been circumstances where the Speaker's decision on certification of a bill, or elements of a bill, has differed from the Government's view, set out in the explanatory notes, on the extent and the devolved legislative competence of the bill's provisions.¹⁵ These demonstrate "some of the unexpected and perhaps unanticipated consequences of the decision to define the criteria for certification so specifically [...]".¹⁶

18. Among the issues drawn to our attention have been:

- An instance where a clause of a Bill intended to be England-only in its entirety could not be so certified because it made provision for HMRC to share data, a provision outwith the legislative competence of each of the devolved institutions;¹⁷

11 HC 410, para 34

12 HC 410, para 30

13 The Speaker has once responded to a point of order on a certification issue in order to correct an imputation about his decision which had been made the previous day (HC Deb, 13 January 2016, [col 861](#))

14 Scottish National Party ([EVL 12](#)), para 8; [Q30](#).

15 House of Commons Public Bill Office ([EVL 14](#)), paras 16–29

16 House of Commons Public Bill Office ([EVL 14](#)), para 29

17 [Childcare Bill \[Lords\] 2015–16](#): House of Commons Public Bill Office ([EVL 14](#)), para 18. In evidence to the House of Lords Constitution Committee, Elizabeth Gardiner CB, First Parliamentary Counsel, indicated that in drafting the Bill the Office of Parliamentary Counsel had failed to grasp the effect of the certification test in this regard. [Corrected evidence taken before the Constitution Committee, 29 June 2016, HL Paper 61, [Q 28](#)]

- An instance where a clause of a Bill has been found to be non-certifiable because it made provision which could not be made by the Scottish Parliament: since related clauses relied on the non-certified clause, it was considered to “infect” them, thereby rendering them non-certifiable;¹⁸
- An instance where a provision in a Bill, described in the explanatory notes as relating to Scotland, was certified as England-only, because the effect of the provision was to restate the law relating to Scotland (and Wales) while amending the provisions of the law relating to the powers of the Secretary of State in England;¹⁹
- Instances where certification decisions have relied upon whether and how corresponding, or comparable, provision could be made by a legislature with devolved legislative competence.²⁰

19. There are several fine points of interpretation here, which we expect the Office of Parliamentary Counsel and the Government Legal Service to reflect on and take into account in future legislative drafting. Elizabeth Gardiner CB, First Parliamentary Counsel, told the House of Lords Constitution Committee's inquiry into English votes for English laws that “[we] have probably not come across every permutation of a Bill and how it will apply, so we have to apply the Standing Orders to particular Bills all the time, and that might raise particular issues”.²¹

20. The PBO in its memorandum points out that there have been divergences of opinion about the extent of devolved legislative competence in relation to individual devolved legislatures in certain areas, where the Supreme Court itself has been divided in its judgments. The certification test requires certification on the grounds of devolved legislative competence if the matter falls within the legislative competence of any one of the three devolved legislatures.

21. As the operation of the procedure develops, individual instances will arise which will help to clarify understanding of complex or hitherto unforeseen circumstances, and a body of precedent and practice will emerge. **We consider that it would be helpful to the House and to the Government if in due course the Speaker, at his discretion, made and published rulings on established precedent relating to certification.**

22. While no technical difficulty with certification has been observed in the first year of the procedure's operation, it seems inevitable that there will be circumstances where the precise extent of the devolved legislative competencies of the three devolved institutions will be called into question. We expect that the Speaker and his advisers will continue to keep a developing situation under review, and that they will inform this Committee should they encounter circumstances which have the potential to cause difficulty, either for the process of certification or for the office of Speaker.

18 [Childcare Bill \[Lords\] 2015–16](#): House of Commons Public Bill Office ([EVL 14](#)), para 23

19 [Housing and Planning Bill 201516](#): House of Commons Public Bill Office ([EVL 14](#)), paras 20–22

20 [Housing and Planning Bill 2015–16](#); House of Commons Public Bill Office ([EVL 14](#)), para 25

21 Corrected evidence taken before the House of Lords Constitution Committee, 29 June 2016, HL Paper 61, [Q 28](#)

“Minor and consequential” effects

23. We have previously examined the requirement on the Speaker to ignore minor and consequential effects of certification on areas outside England or England and Wales in making his decision. Issues arising here may not be clear-cut, and decisions made may appear counterintuitive. As we indicate above,²² the Public Bill Office identified an instance where the effect of legislation on Scotland was indeed minor or consequential, although it appeared on the face of the Bill that the provision related explicitly to a devolved matter in Scotland. In this case the apparent effect was a result of the legislative drafting technique used and in fact the effect of the legislation was to make a substantive change in England and Wales only.

24. We have been giving extensive consideration to the issue of Barnett consequentials in our inquiry into scrutiny of the Government's supply estimates. We have received a number of representations to that inquiry indicating more effective ways for Members with constituencies in devolved areas to examine changes in the level of block grants deriving from planned changes to expenditure in England. We expect to make recommendations in this area in our forthcoming report on scrutiny of the Government's Supply Estimates.

25. It is important in this context to recall that the new procedures provide a means for Members representing constituencies in England or England and Wales to consent to, or to veto, proposals for legislation which the whole House might otherwise agree to. Certification of certain provisions of bills removes the ability of Members with constituencies outside England, or England and Wales, to have a vote on this consent process: they may still participate fully at all other stages of the legislation, including through the proposal of amendments, new clauses and new schedules on Report and voting on Lords amendments and motions relating to those amendments. The House of Lords Constitution Committee has recently observed that there is no sense in which, under present arrangements, Members from those constituencies are effectively excluded from decisions on legislation which affect expenditure.²³

26. The present procedures provide that Members representing constituencies in England, or England and Wales, can withhold consent from measures which pass the certification tests; but a measure with the support of a majority of such Members cannot pass the Commons unless it also has the support of a majority of all Members.

27. Members representing constituencies in Scotland have not previously, on their own, been able to veto legislative provisions which have had potential consequences for levels of public expenditure in England and, therefore, for corresponding budgetary allocations to the Scottish Parliament through calculation of the block grant under the Barnett Formula. The introduction of EVEL procedures on legislation has not altered this position. But if the Government wishes to maintain the principle of EVEL, and the corresponding position that all Members may participate in the House's decisions on Government requests for supply—as indicated by the then Leader of the House from the Despatch Box on several occasions²⁴—then there has to be a proper process for considering the effects on the calculation of the block grant arising from

22 Paragraph 18.

23 House of Lords Constitution Committee, Sixth Report of Session 2016–17, *English votes for English laws*, HL Paper 61, para 58.

24 See, for example, HC Deb, 22 October 2015, [col 1178](#).

spending decisions made for England which are underpinned by legislation passed under EVEL procedures. We expect to make recommendations to this effect in our report on scrutiny of the Estimates.

A published process for representations

28. On 25 October 2015 the Speaker made a statement to the House on how the new procedures would operate and what his approach to certification would be.²⁵ He also indicated a procedure for Members and others to follow should they wish to make representations to him in advance of any potential certification. The Public Bill Office memorandum has indicated the process followed in preparing for certification consideration and has given an indication of the timing of presentation of legislation for certification: Bills and amendments are generally sent to the Speaker for certification only when the next stage in the House is imminent, in order to allow time for representations to be made.²⁶ This is a practice which is helpful to Members and others, though in practice it is likely that only the Government and Members and staff of Opposition front benches are fully aware of the process. **We consider that it would be to the benefit of all Members, and external interested parties, if the Speaker would, at his discretion, arrange for a more detailed statement of the process and timescale for certification decisions to be published on the Parliamentary website.**

29. Where certification decisions with procedural consequences are required to be made at short notice—for instance, between the end of Report Stage and Third Reading—it has been the Speaker's practice to issue a provisional certification of Government new clauses, new Schedules and amendments to Bills alongside his notice of selection and grouping. The Speaker's provisional certifications to date have been confirmed during the short suspension for formal consideration of certification which has taken place following the conclusion of consideration on each Bill. *The practice of provisional certification of the elements of bills to be considered in Legislative Grand Committee if adopted on Report has caused no difficulty and is helpful to the House. We recommend that it continue.*

30. We understand that Members occasionally find difficulty in determining progress of certification on primary and secondary legislation. At present, the Commons Order Paper and the daily Votes and Proceedings provide information on the certification status of primary legislation and statutory instruments. While this information is comprehensive and accurate in nature, we understand that it is not necessarily intuitive to follow, and that Members would appreciate having a ready source of information which indicates, in one place, the status of each bill and instrument liable to certification before the House. *We recommend that the House Service examine the feasibility of publishing consolidated information on the certification status of eligible Bills and instruments online.*

25 HC Deb, 26 October 2015, [col 23](#).

26 House of Commons Public Bill Office ([EVL 14](#)), para 16

3 Effect on the legislative process

Legislative grand committees

31. One or more legislative grand committees have met on 12 occasions in relation to bills which have been certified either before Second Reading or after Report stage as containing provisions requiring the consent of Members from constituencies in England or England and Wales.

Debate and other proceedings in legislative grand committee

32. We have not been overwhelmed with evidence praising this procedural innovation. Genuine debate in such committees has been so scarce as to be almost non-existent. One individual Member has been responsible for over thirty minutes speaking time out of the total time of one hour and 23 minutes taken by the House in legislative grand committee. Apart from the formal moving of consent motions by Ministers, five other members have spoken in such debates.

Time made available for debate

33. Initial programme motions on Bills tabled by the Government and agreed to by the House after each Second Reading have generally provided for proceedings on Report and in legislative grand committee to be concluded not later than one hour before the moment of interruption on the day when Report stage is to be concluded.

34. In many cases, a supplementary programme order has subsequently been made by the House to divide up the time for consideration of sections of a bill on Report. Such orders have also provided for proceedings in legislative grand committee and on Third Reading to be brought to a conclusion at a specified hour (usually the moment of interruption on the day consideration is completed). The effect of this practice has been to ensure that whatever debate there has been in legislative grand committee has not eaten into the time available for Report stage.

35. Analysis undertaken by Dr Louise Thompson of the University of Surrey suggests that, in the period between January and April 2016, certified bills have on average had more time at Report stage and Third Reading than non-certified bills.²⁷ This may not necessarily be an express consequence of certification, and she notes that the first certified Bill to reach Report stage—the Housing and Planning Bill—had a “particularly crowded” Report stage, owing to the large number of Government amendments tabled.

36. The then Leader of the House, when examined on the implications of the Government's proposals for the overall time available for legislative scrutiny, indicated that if proceedings in legislative grand committee gave rise to debate, additional time would be required for the consideration of a bill.²⁸ In our interim report we recommended that specific set periods

27 Dr Louise Thompson ([EVL 09](#)), para 1.

28 Procedure Committee, First Report of Session 2015–16, [Government proposals for English votes for English laws Standing Orders: interim report](#), HC 410, para 91 and [Q 106](#)

of time should be allocated for elements of “consent stage”—that is, the time to be taken in legislative grand committee proceedings—as well as for consideration of amendments or groups of amendments and for Third Reading.²⁹

37. Provision in programme motions for legislative grand committee proceedings has varied, no doubt in the light of assessments by business managers of the likely amount of time to be taken up in legislative grand committee:

- The supplementary programme order for the Housing and Planning Bill—where consideration, consent and third reading were taken over two days—provided for proceedings in legislative grand committee to be concluded not later than one hour after their commencement on the second day allocated to the bill, and for proceedings on Third Reading similarly to be concluded not later than one hour after their commencement.³⁰
- On the Childcare Bill [*Lords*], a maximum of ninety minutes was allocated to legislative grand committee proceedings and Third Reading, though susceptible to reduction depending on the time taken to bring proceedings on Report to a conclusion.³¹
- The supplementary programme order for the Charities (Protection and Social Investment) Bill [*Lords*] provided in effect for one hour to be allocated to legislative grand committee proceedings and Third Reading, minus any time taken to conclude proceedings on Report.³²
- From the supplementary programme order for the Enterprise Bill [*Lords*] onwards, there has been explicit provision for proceedings in legislative grand committee and on Third Reading to be concluded at the moment of interruption, typically allowing up to an hour for such proceedings to be brought to a conclusion, less any time taken to conclude proceedings on Report.³³

38. No supplementary programme motion was tabled in respect of the Higher Education and Research Bill, and no supplementary programme motion was tabled to amend the allocation of time to legislative grand committee proceedings on the Neighbourhood Planning Bill. For both bills, the provisions of the initial programme motion therefore remained in effect: debate on Report Stage continued until 9pm and was then disposed of, leaving no time for debate in legislative grand committee. Proceedings in the Legislative Grand Committee (England and Wales) and the Legislative Grand Committee (England) were therefore disposed of forthwith, following a short suspension for certification.

39. **There is an apparent lack of appetite for debate in legislative grand committee at present. A forum for Members representing constituencies in England, or England and Wales, to debate consent to certified provisions of Bills is scarcely being used for such debate.** This may well reflect an absence of dissent from such Members and a view that the House's time would be better used in debate on Third Reading.

29 [HC 410](#), para 92

30 Votes and Proceedings, [5 January 2016](#)

31 Votes and Proceedings, [25 January 2016](#)

32 Votes and Proceedings, [26 January 2016](#)

33 For example, Votes and Proceedings, [8 March 2016](#) (Enterprise Bill [*Lords*] Programme (No. 2) Order)

40. We note that the Government, in its drafting of supplementary programme motions, has tended not to make express provision for time to be taken in legislative grand committee. This is not in accordance with the undertaking we understood we had received from the then Leader of the House on additional time for this additional stage, or the recommendation in our earlier report. The prevailing practice in drafting of supplementary programme motions elides the distinction between time to be taken in legislative grand committee and time to be taken Third Reading. ***We recommend that supplementary programme motions governing the programming of remaining stages of Government bills should make separate provision for time to be taken in legislative grand committee and on Third Reading. It is not acceptable for the programming of remaining stages of such bills to allow a position to arise where proceedings in legislative grand committee have to be taken forthwith without any debate.***

Procedural aspects of legislative grand committee

41. The hiatus in proceedings occasioned by the need to re-certify bills after Report stage and before entering legislative grand committee is unfortunate and, we believe, unpopular. Proceedings in legislative grand committees, in the absence of debate, are dominated by the formalities of moving the House between configurations. It does nothing for the reputation of the House if the most memorable moment of a formal legislative proceeding is the hanging of specific signs in the division lobbies and the movement of the Mace from above the Table to below the Table and vice versa.

42. Mr Jacob Rees-Mogg MP was not impressed with the way in which the present procedure was operating:

[...] the procedures are so complex you whiz through them without stopping at any of the stages, which just looks faintly ridiculous. We should not have Standing Orders that do not have an important stage that we need to use. If we suspend for a minute, we come back, we pretend to have a committee, which then disappears and then we vote. It makes our procedures look impenetrable but also as if we are slightly playing games.³⁴

43. Should the existing arrangements persist, an occasion may arise where Members will wish to debate their consent to certified provisions of a bill in a way which may not have been possible at Second Reading or on Report. Under the prevailing political conditions, however, it is difficult to argue that the continued use of this elaborate and overspecified procedure is justified for every Government bill with certified provisions.

Voice versus veto

44. Daniel Gover and Professor Michael Kenny, of the Mile End Institute, Queen Mary, University of London, observed in evidence to us that the design of the EVEL process was potentially defective, in that a process designed to demonstrate a voice for representatives of constituencies in England within the UK Parliament appeared to have been subsumed into a process overwhelmingly designed to provide for an English veto on legislation affecting England only. They note that the McKay Commission, established by the Coalition Government to examine the question of English votes for English laws, had

recommended a stage to give Members representing constituencies in England a greater voice in the legislative process, but had recommended that it take place before a bill's second reading:

[... T]he government's desire to bolt down a comprehensive veto means that the LGC stage is situated later [in the legislative process], to take account of any amendments made in the Commons. As a consequence of holding the LGCs immediately between the substantive debates on report and third reading, 'voice' is hardly being achieved: the LGCs have so far been notable for the absence of substantive debate on the bill in question and many of them have been entirely ceremonial. Furthermore, the imperative to allow all UK MPs to speak on the floor of the Commons has diluted the LGCs' potential to act symbolically as a recognisably English body.³⁵

45. Legislative grand committees were intended to give Members representing England or England and Wales a forum to debate, and to agree, whether to consent to, or withhold consent from, certified provisions of legislation. In practice, these committees are regularly brought into existence purely so that those Members may formally waive their rights to object to a motion consenting to certified provisions of bills. **Legislative grand committees are at present performing a function which suits the Government—namely delivering decisions and validating certified elements of legislation—but are not effectively serving the broader objective of allowing Members from constituencies in England or England and Wales a separate voice on proposed legislation. The attempt to combine the twin functions of voice and veto in a single legislative stage is not delivering significant and worthwhile benefits to Members representing constituencies in England and Wales.**

Options for change

46. In our interim report we drew attention to the potential difficulties for the House arising from the system which the Government's proposals were drafted to deliver. We recommended two potential modifications:

- a system where the Government should invite the House to debate and vote on applying the EVEL procedure to a specific bill or instrument where the Government wished to demonstrate an English majority, ensuring that the House's time and resources were allocated to items which are politically important;³⁶
- a procedure whereby certified amendments, new clauses and new schedules, whether made in public bill committee or proposed on Report, should only pass report stage if unopposed or approved by double majority voting: such amendments, if not so approved, could then be referred to legislative grand committee for specific debate.³⁷

35 Daniel Gover and Professor Michael Kenny, Mile End Institute, Queen Mary University of London (EVL 11), paragraph 7: the argument is developed further in their recent report, *Finding the good in EVEL: An evaluation of 'English Votes for English Laws' in the House of Commons*, Edinburgh: Centre on Constitutional Change, November 2016.

36 Procedure Committee, First Report of Session 2015–16, *Government proposals for English votes for English laws Standing Orders: interim report*, HC 410, para 98

37 [HC 410](#), para 100

47. The Government did not accept either proposal.

- To the first, it argued that all bills and measures would have to be prepared in anticipation that EVEL procedures might be applied to them, and that resources allocated to a measure subsequently not made subject to EVEL procedures might be wasted; the proposal would also add time and complexity to the proposed system.
- To the second, it argued that the proposal would add complexity to Report stage: the requirement to provide for consideration of all certified changes to a bill in public bill committee would alter the nature of Report stage, and the requirement to certify amendments in advance could lead to confusion and delay.

48. Both Daniel Gover and Jacob Rees-Mogg MP were sympathetic to our intention of reducing the complexity of the process,³⁸ though Mr Gover identified potential difficulties with both our original proposals.³⁹ Pete Wishart MP, for the Scottish National Party, acknowledged the need to remove the burdens of the present process, but was nevertheless unwilling to accept any system where “membership of this House in a unitary Parliament should be divided by geography and nationality.”⁴⁰

49. We have received and evaluated several proposals to address the inherent complexity of the existing process. The Mile End Institute and Mr Rees-Mogg both suggested systems where the voice of Members representing constituencies in England could be expressed earlier in the process.

50. The Mile End Institute recommended consideration of a select committee on English affairs, which would complement the existing territorial committees with a remit to consider major public policy issues affecting England (for instance, immigration or decentralisation) and to give its view, where appropriate, on England-only legislative proposals⁴¹.

51. Mr Rees-Mogg suggested the establishment of an English Grand Committee which would debate legislation applying to England only and, in similar fashion to legislative consent motions considered in the devolved legislatures, pass resolutions consenting or otherwise to the passage of certified elements of a bill before Third Reading.

52. Both these proposals have merit in terms of enhancing an English voice in the House and in delivering what might be termed “soft vetoes”: that is, the consent to legislation which, if withheld, could be overridden only at substantial political cost to the Government. ***We recommend that the Government, in its technical review, examine proposals to allow Members from constituencies in England or England and Wales to consider whether or not to consent to legislative proposals affecting those parts of the UK only at an earlier stage in the legislative process. The withholding of consent would not represent a veto on legislation, but the political cost to the Government of proceeding in the face of such circumstances would be substantial.***

38 [Q6](#) [Daniel Gover]; [Q 66](#) [Mr Rees-Mogg].

39 [Q6](#), and [EVL 11](#), para 19

40 [Q 29](#)

41 Daniel Gover and Professor Michael Kenny, Mile End Institute, Queen Mary University of London ([EVL 11](#)), para 8

53. The Public Bill Office offered two suggestions for means to reduce the current complexity around legislative grand committee:

- a) After the certification of an amended Bill following consideration, a consent motion moved by a Minister should be deemed to have been agreed to unless any Member objects: only if an objection were received would the House resolve into legislative grand committee; or
- b) A more radical reworking of Report stage to provide an effective means of decision on certified provisions in bills through double majority voting, as proposed in our earlier report.

54. Option (a) has, at present, the merit of simplicity and ease of implementation. It would eliminate any legislative grand committee stage which was unnecessary. ***We recommend that the Government bring forward, without delay, proposals to amend Standing Order No. 83M so as to provide that where a Minister has indicated under 83M(3) the intention to move a consent motion, it shall be deemed to have been passed by the legislative grand committee for the area to which the certification relates unless an objection is taken.***

Standing Orders

55. We have referred above to the extensive apparatus of Standing Order changes required to underpin the new procedures. The fifteen new Standing Orders,⁴² and the consequential amendments to existing Standing Orders, added some thirty pages to the 2015 edition.⁴³

56. The intricate drafting of the new Standing Orders proposed by the Government has been the subject of adverse comment inside and outside the House. Pete Wishart MP, observing that “the opaqueness of the new procedure is virtually beyond satire”, commented that “the drafting of the new [orders][...] appears at odds with the rest of the Standing Orders [...] they are drafted in a way that reads much more like legislation than rules of order.”⁴⁴

57. The Mile End Institute, reporting emerging findings from their research project on EVEL, observed that the new provisions

[...] reflect a desire to specify practice in almost every conceivable scenario. A number of experts expressed concerns to us about the quasi-statutory fashion in which the Standing Orders have been drafted. The idea of introducing a complicated, supposedly definitive, set of rules and procedures represents a notable departure from established approaches to the SOs, which are typically more modest in scope, and open to interpretation by Commons authorities.⁴⁵

42 Standing Orders [Nos. 83J to 83X](#)

43 Standing Orders of the House of Commons: Public Business, [HC \(2015–16\) 1154](#)

44 House of Commons Public Bill Office ([EVL 14](#)), para 7

45 Daniel Gover and Professor Michael Kenny, Mile End Institute, Queen Mary University of London ([EVL 11](#)), para 9

58. The Public Administration and Constitutional Affairs Committee outlined “broad areas of concern” with the drafting of the standing orders in its report on the constitutional implications of the new procedure.⁴⁶ It identified substantial concerns over the nature of the drafting, observing that two former Clerks of the House had difficulty in discerning the meaning of the provisions made: for that Committee, this raised serious doubt about the sustainability of the revisions.⁴⁷

59. Leaving aside for now the form and nature of the package as drafted, we set out below some specific anomalies and issues of interpretation arising from the drafting of individual orders.

Drafting anomalies

60. The Public Bill Office identified an omission from Standing Order No. 83R. The purpose of this order is to identify a set of motions for approval of instruments (for example, local authority and police grant reports) which by their nature apply to England or England and Wales only and which therefore do not require consideration for certification under the test set out in Standing Order No. 83P.⁴⁸ It appears that one such motion was inadvertently omitted from the list in Standing Order No. 83R: a motion to approve any Referendums Relating To Council Tax Increases (Alternative Notional Amounts) (England) Report.⁴⁹ When tabled, the approval motion therefore triggered a certification process which was in fact unnecessary.⁵⁰ ***We recommend that the Government bring forward a proposal to amend Standing Order No. 83R to remedy the omission of the Referendums Relating To Council Tax Increases (Alternative Notional Amounts) (England) Report and any similar instrument.***

61. ***As a matter of principle, we consider it highly undesirable that standing orders proposed to this House for adoption should be specified with such explicit reference to the statute book. We therefore recommend that any revision of the standing order package should seek to define a class of instrument to be subject to a particular procedure, rather than enumerating each instrument.***

62. The Mile End Institute drew to our attention a potential anomaly in the application of standing orders to motions for the annulment of certified instruments subject to the negative procedure. They pointed out that in order to pass, motions to approve certified instruments had to be approved by a majority of all Members and a majority of Members representing qualifying constituencies (i.e. constituencies in England or in England and Wales). In the case of motions to annul certified instruments, a double majority was also required to provide for annulment. This raised the possibility that secondary legislation

46 Public Administration and Constitutional Affairs Committee, Fifth Report of Session 2015–16, [The Future of the Union, part one: English Votes for English Laws](#), HC 523, para 46

47 [HC 523](#), para 50

48 The classes of instrument or motion enumerated in Standing Order No. 83R are: (a) reports laid before the House under paragraph 5 of Schedule 7B to the Local Government Finance Act 1988 (local government finance report) and which contain a determination under section 78 of that Act (revenue support grant); (b) reports laid before the House under section 84A of that Act (revenue support grant: amending report); (c) reports laid before the House under section 52ZD of the Local Government Finance Act 1992 (referendums relating to council tax increases: principles); (d) reports laid before the House under section 46 of the Police Act 1996 (police grant); and (e) motions for resolution under section 26(2)(b)(ii) of the Higher Education Act 2004 (student fees).

49 Section 52ZE of the Local Government Finance Act 1992, as inserted by Schedule 5 to the Localism Act 2011.

50 The instrument was certified on [9 February 2016](#) and approved by the House on [10 February 2016](#) without a division.

in force and subject to annulment could only be annulled if a majority of Members in qualifying constituencies *and* a majority of all Members voted in favour of annulment: in effect, Members representing England or England and Wales do not have the same right of veto over certified negative instruments as they do over certified primary legislation or certified affirmative instruments. They therefore recommended that the procedure be amended to provide for annulment of a negative instrument if a motion for annulment is passed *either* by England or England and Wales-only MPs or by the whole House.

63. The analogy drawn here is not necessarily accurate, since the House is being asked to annul an instrument which has been made by Ministers under delegated powers. It could be argued that it is the decision of a Minister to enact secondary legislation which is being challenged, and therefore that the double majority is needed if the Minister's decision is to be overturned.

64. *We recommend that the Government, in its review, evaluate and set out clearly the principles which underpin the EVEL standing order provisions on the treatment of motions for annulment, and where necessary bring forward amendments to standing orders to provide that they are consistent with such principles.*

65. **We expect to return to the issue of delegated legislation procedure in the context of the Government's proposals for the incorporation of EU legislation into domestic law through the "Great Repeal Bill", to be announced in the 2017–18 Session.**

Issues of interpretation: Lords Amendments

66. Both the Public Bill Office (PBO) and the Mile End Institute drew to our attention the complexity of the EVEL procedures as they apply to the consideration of Lords Amendments and motions relating to Lords Amendments. The PBO found the drafting and operation of Standing Order No. 83O, which applies the double majority voting procedure in such circumstances, to be clear in some respects but opaque in others.⁵¹ In particular, the operation of Standing Order No. 83O (9) causes concern:

83O(9). If a motion relating to a Lords amendment or other message is disagreed to under this order because one of the groups voting in the division has not voted in support of it while another has, the decision of the House shall be—

(a) in the case of a motion to disagree (or agree) to a Lords amendment or an item in another message, to disagree with it, and

(b) in any other case, such decision as would have the effect of leaving the bill so far as it relates to that matter in the same position as it was before the Lords amendment or other message was received from the Lords.

The PBO suggests that the operation of this standing order, and the outcome of a split vote in a double majority division, would depend on the precise drafting of the relevant Lords amendment. It cannot be taken for granted that any Lords amendment would be drafted specifically to trigger a particular outcome in the Commons. This leaves a highly unsatisfactory situation where the future of a bill may depend on a very fine interpretation as to the meaning and effect of a Lords Amendment.

51 House of Commons Public Bill Office ([EVL 14](#)), paras 9–11

67. We do not consider it satisfactory that the present standing orders relating to Lords amendments are so complex and difficult to interpret. As the Public Bill Office points out, Lords Amendments stages are already one of the most procedurally complex areas of the House's work. *We consider that the standing order provisions for the application of EVEL to consideration of Lords amendments have the greatest potential for procedural confusion and unintended outcomes. This is, quite frankly, unacceptable. We recommend that as part of its technical review the Government consider the outcomes it wishes to achieve from all scenarios where there might be double majority voting in respect of Lords amendments, and elaborates them clearly for the benefit of both Houses. The Government should then propose standing order revisions which simplify the present Standing Order No. 830 in line with these principles. In doing so, it should take particular care not to disturb the existing principles which underpin the relationship between the two Houses on the consideration of legislation.*

Revision

68. We propose above a number of specific revisions to the standing orders package agreed on 22 October 2015 which may improve the technical aspects of the operation of the EVEL procedure in the light of difficulties already experienced or anticipated. These are changes which the Government should consider implementing as soon as opportunity permits.

69. The changes proposed elsewhere in this report cannot address the substantial general concern that we have with the proposals as underpinned by the October 2015 standing order changes. In short, the standing orders and the procedure they provide for are undesirable and inconsistent with the House's traditions. **The House has developed and adopted standing orders to regulate its own procedures in ways which its Members can interpret and comprehend. The drafting of the October 2015 package has grafted onto the House's existing standing orders procedures which, in their drafting, are alien to the House's traditions. It is wholly unacceptable that their drafting is so opaque as to defy interpretation by Members. They fly in the face of any attempt by the House to make its procedures more open and accessible.**

70. The October 2015 package of revisions runs entirely counter to the Committee's work on revision of Standing Orders for consistency and ease of interpretation. We expect to bring to the House in the near future a revised proposal for overhaul of the public business Standing Orders, building on the work done by our predecessors in the 2010 Parliament.⁵² The value of this work will be substantially diluted should it be required to encompass the EVEL standing orders and the consequential changes made to accommodate them.

71. *We expect the Government, in its technical review of the EVEL procedures, to give serious attention both to the unsatisfactory design of the present system and to the over-elaborate means whereby it is implemented. We recommend that the Government, as a matter of urgency, should commission a project to redraft the present EVEL standing orders to make them more accessible and comprehensible, and to deliver a package more likely to command respect, support and understanding from all sides of the House. We look forward to working with the Government and with House staff on this project, with a view to incorporating the outcome into our revised proposals for Standing Order revision.*

4 Conclusion

72. On 22 October 2015 the House agreed to implement, through Standing Orders, new procedures which have had far-reaching implications for the preparation of legislation and its passage through the legislative process, the role of the Speaker in making determinations on the content of bills and amendments, the systems used by the House to record votes cast in divisions, and the use of the Chamber itself. The level of complexity added to the formal proceedings of the House on legislation has been substantial. Standing Orders have increased in number by 15 and in length by twelve per cent.

73. Implementation of the Government's proposals has represented a substantial challenge to the House Service in many aspects. Advice to the Speaker on the status of bills and instruments has been provided from the Public Bill Office and the Office of Speaker's Counsel from within the existing staff establishment. While we had initial concerns about the resource implications for the House Service, we find that the advice available to the Speaker is comprehensive, of high quality and delivered in a timely way. There have been no instances where the Speaker's certification has been challenged by Ministers, even in areas where the Speaker has come to a decision on certification which differs from the view set out by the Government.

74. The requirements of additional procedures in the Chamber and legislative grand committee have been anticipated and addressed by House staff with great professionalism. Clear advice has been provided to the Chair, other Members, Departments and the public on the operation of the new procedures. **We wish to put on record our appreciation to all staff of the House Service for the excellent work they have done to facilitate the implementation of all aspects of the new procedures agreed to be the House.**

75. We have set out above our evaluation of the procedures in their first year of operation. We have not pronounced on the merits of the policy which the Government has sought to implement through standing order changes, though we trust the Government will reflect on the implications of the technical issues we have raised for the feasibility of its broader policy objectives. **The complexity of a system which seeks to join two separate functions—a political voice and a legislative veto—has led to imperfect results. It is this contradiction at the heart of the system's design that the Government must urgently address.**

76. We remain concerned that the substantial standing order changes made in October 2015 were not achieved by consensus. The House was sharply divided on their introduction: solely members of the Government party voted in favour, and members of six of the seven other parties represented in the House, together with one independent Member voted against.⁵³ Our assessment, on the basis of the evidence we have taken from the two largest Opposition parties,⁵⁴ is that this division has not been remedied through familiarity with the new procedures in operation. **One year on from their introduction, we find that the new EVEL procedures do not command the respect and support across all parties that they should if the system is to be sustainable through the political stresses it must expect to face in the future. This is not a sound basis for a major long-term change**

53 The Member representing the UK Independence Party did not participate in the division to approve the Standing Order changes.

54 [Qq 52–58](#) [Paul Flynn MP, representing the Shadow Leader of the House] and [Qq 25–40](#) [Pete Wishart MP]. We note also the strong reservations on the principle expressed by Lady Hermon MP [\[EVL 13\]](#).

to the legislative process in this House. When reviewing the operation of the present system, and contemplating any change, it is vital that the Government seek consensus from Members representing constituencies in each constituent nation of the United Kingdom for the basis of a system which will meet its policy objectives.

77. We share the conclusions of the Lords Constitution Committee and the recent report of the Mile End Institute on the future of the process.⁵⁵ Evaluation of a process with such far-reaching implications for the House's operation can only be provisional at this stage. It is impossible to know now what challenges for the certification process future legislative drafting may raise. The next general election may return a House of a different composition which will present other challenges for the system to address. ***We recommend that a further evaluation of the EVEL system should be undertaken later in the present Parliament, addressing any changes to be made as a result of our recommendations and of the Government's own technical review, and that our successors in the next Parliament should also assess the operation of any system then in place.***

55 House of Lords Constitution Committee, Sixth Report of Session 2016–17, [English votes for English laws](#), HL Paper 61, para 134, and [Finding the good in EVEL: An evaluation of 'English Votes for English Laws' in the House of Commons](#), Edinburgh: Centre on Constitutional Change, November 2016, p. 36.

Conclusions and recommendations

Certification

1. We consider that it would be helpful to the House and to the Government if in due course the Speaker, at his discretion, made and published rulings on established precedent relating to certification. (Paragraph 21)
2. The present procedures provide that Members representing constituencies in England, or England and Wales, can withhold consent from measures which pass the certification tests; but a measure with the support of a majority of such Members cannot pass the Commons unless it also has the support of a majority of all Members. (Paragraph 26)
3. Members representing constituencies in Scotland have not previously, on their own, been able to veto legislative provisions which have had potential consequences for levels of public expenditure in England and, therefore, for corresponding budgetary allocations to the Scottish Parliament through calculation of the block grant under the Barnett Formula. The introduction of EVEL procedures on legislation has not altered this position. But if the Government wishes to maintain the principle of EVEL, and the corresponding position that all Members may participate in the House's decisions on Government requests for supply—as indicated by the then Leader of the House from the Despatch Box on several occasions—then there has to be a proper process for considering the effects on the calculation of the block grant arising from spending decisions made for England which are underpinned by legislation passed under EVEL procedures. We expect to make recommendations to this effect in our report on scrutiny of the Estimates. (Paragraph 27)
4. We consider that it would be to the benefit of all Members, and external interested parties, if the Speaker would, at his discretion, arrange for a more detailed statement of the process and timescale for certification decisions to be published on the Parliamentary website. (Paragraph 28)
5. *The practice of provisional certification of the elements of bills to be considered in Legislative Grand Committee if adopted on Report has caused no difficulty and is helpful to the House. We recommend that it continue.* (Paragraph 29)
6. *We recommend that the House Service examine the feasibility of publishing consolidated information on the certification status of eligible Bills and instruments online.* (Paragraph 30)

Effect on the legislative process

7. There is an apparent lack of appetite for debate in legislative grand committee at present. A forum for Members representing constituencies in England, or England and Wales, to debate consent to certified provisions of Bills is scarcely being used for such debate. (Paragraph 39)

8. *We recommend that supplementary programme motions governing the programming of remaining stages of Government bills should make separate provision for time to be taken in legislative grand committee and on Third Reading. It is not acceptable for the programming of remaining stages of such bills to allow a position to arise where proceedings in legislative grand committee have to be taken forthwith without any debate.* (Paragraph 40)
9. Legislative grand committees are at present performing a function which suits the Government—namely delivering decisions and validating certified elements of legislation—but are not effectively serving the broader objective of allowing Members from constituencies in England or England and Wales a separate voice on proposed legislation. The attempt to combine the twin functions of voice and veto in a single legislative stage is not delivering significant and worthwhile benefits to Members representing constituencies in England and Wales. (Paragraph 45)
10. *We recommend that the Government, in its technical review, examine proposals to allow Members from constituencies in England or England and Wales to consider whether or not to consent to legislative proposals affecting those parts of the UK only at an earlier stage in the legislative process. The withholding of consent would not represent a veto on legislation, but the political cost to the Government of proceeding in the face of such circumstances would be substantial.* (Paragraph 52)
11. *We recommend that the Government bring forward, without delay, proposals to amend Standing Order No. 83M so as to provide that where a Minister has indicated under 83M(3) the intention to move a consent motion, it shall be deemed to have been passed by the legislative grand committee for the area to which the certification relates unless an objection is taken.* (Paragraph 54)
12. *We recommend that the Government bring forward a proposal to amend Standing Order No. 83R to remedy the omission of the Referendums Relating To Council Tax Increases (Alternative Notional Amounts) (England) Report and any similar instrument.* (Paragraph 60)
13. *As a matter of principle, we consider it highly undesirable that standing orders proposed to this House for adoption should be specified with such explicit reference to the statute book. We therefore recommend that any revision of the standing order package should seek to define a class of instrument to be subject to a particular procedure, rather than enumerating each instrument.* (Paragraph 61)
14. *We recommend that the Government, in its review, evaluate and set out clearly the principles which underpin the EVEL standing order provisions on the treatment of motions for annulment, and where necessary bring forward amendments to standing orders to provide that they are consistent with such principles.* (Paragraph 64)
15. We expect to return to the issue of delegated legislation procedure in the context of the Government's proposals for the incorporation of EU legislation into domestic law through the "Great Repeal Bill", to be announced in the 2017–18 Session. (Paragraph 65)
16. *We consider that the standing order provisions for the application of EVEL to consideration of Lords amendments have the greatest potential for procedural confusion and unintended outcomes. This is, quite frankly, unacceptable. We recommend that*

as part of its technical review the Government consider the outcomes it wishes to achieve from all scenarios where there might be double majority voting in respect of Lords amendments, and elaborates them clearly for the benefit of both Houses. The Government should then propose standing order revisions which simplify the present Standing Order No. 83O in line with these principles. In doing so, it should take particular care not to disturb the existing principles which underpin the relationship between the two Houses on the consideration of legislation. (Paragraph 67)

17. The House has developed and adopted standing orders to regulate its own procedures in ways which its Members can interpret and comprehend. The drafting of the October 2015 package has grafted onto the House's existing standing orders procedures which, in their drafting, are alien to the House's traditions. It is wholly unacceptable that their drafting is so opaque as to defy interpretation by Members. They fly in the face of any attempt by the House to make its procedures more open and accessible. (Paragraph 69)
18. *We expect the Government, in its technical review of the EVEL procedures, to give serious attention both to the unsatisfactory design of the present system and to the over-elaborate means whereby it is implemented. We recommend that the Government, as a matter of urgency, should commission a project to redraft the present EVEL standing orders to make them more accessible and comprehensible, and to deliver a package more likely to command respect, support and understanding from all sides of the House. We look forward to working with the Government and with House staff on this project, with a view to incorporating the outcome into our revised proposals for Standing Order revision. (Paragraph 71)*
19. We wish to put on record our appreciation to all staff of the House Service for the excellent work they have done to facilitate the implementation of all aspects of the new procedures agreed to be the House. (Paragraph 74)

Conclusions

20. The complexity of a system which seeks to join two separate functions—a political voice and a legislative veto—has led to imperfect results. It is this contradiction at the heart of the system's design that the Government must urgently address. (Paragraph 75)
21. One year on from their introduction, we find that the new EVEL procedures do not command the respect and support across all parties that they should if the system is to be sustainable through the political stresses it must expect to face in the future. This is not a sound basis for a major long-term change to the legislative process in this House. When reviewing the operation of the present system, and contemplating any change, it is vital that the Government seek consensus from Members representing constituencies in each constituent nation of the United Kingdom for the basis of a system which will meet its policy objectives. (Paragraph 76)
22. *We recommend that a further evaluation of the EVEL system should be undertaken later in the present Parliament, addressing any changes to be made as a result of our recommendations and of the Government's own technical review, and that our successors in the next Parliament should also assess the operation of any system then in place. (Paragraph 77)*

Annex: Use of procedures under Standing Orders Nos. 83J to 83X, 22 October 2015 to 14 December 2016

Table 1: Public Bills

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
<i>Housing and Planning Bill</i>	28.10.15 Before Second Reading	<i>England and Wales:</i> Clauses 59, 71, 85, 90, 91, 111 to 139 and Schedules 5 and 7 to 11 relate exclusively to England and Wales <i>England:</i> Clauses 1 to 58, 60 to 70, 72 to 76, 78 to 84, 86 to 88 and 92 to 110 and Schedules 1 to 4 and 6	

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
	<p>12.01.2016</p> <p>Before Third Reading</p>	<p><i>Under S.O. No. 83L(2):</i></p> <p><i>England and Wales:</i> Clauses 97, 98 and 120 to 150 of the Bill as amended in the public bill committee (Bill 108) including any amendments made on report; and Schedules 7 and 10 to 15 of the Bill as amended in the public bill committee (Bill 108) including any amendments made on report.</p> <p><i>England:</i> Clauses 1 to 63, 65 to 77, 79 to 81, 83 to 85, 87 to 95 and 99 to 119 of the Bill as amended in the public bill committee (Bill 108) including any amendments made on report; Schedules 1 to 6, 8 and 9 of the Bill as amended in the public bill committee (Bill 108) including any amendments made on report; New Clauses NC6, NC7, NC29 to NC31, NC35, NC37, NC43 to NC46, NC59, NC60 and NC62; and New Schedules NS1, NS4 and NS5.</p> <p><i>Under S.O. No. 83L(4):</i></p> <p><i>England and Wales:</i> Amendments 180 and 181 made in the public bill committee to Clause 71 of the Bill as introduced (Bill 75), which is Clause 76 of the Bill as amended in the public bill committee (Bill 108); and Amendments 127 and 128 made in the public bill committee to Clause 85 of the Bill as introduced (Bill 75), which is Clause 92 of the Bill as amended in the public bill committee (Bill 108).</p> <p><i>England:</i> The omission in the public bill committee of Clauses 35 and 36 of the Bill as introduced (Bill 75); Amendment 4 on report, resulting in Clause 78 of the Bill as amended in the public bill committee (Bill 108) being left out of the Bill; Amendment 111 on report, resulting in Clause 64 of the Bill as amended in the public bill committee (Bill 108) being left out of the Bill; and Amendment 129 on report, resulting in Clause 86 of the Bill as amended in the public bill committee (Bill 108) being left out of the Bill.</p>	<p><i>Legislative Grand Committee (England and Wales), 12.01.2016:</i></p> <p>Committee sat for 43 minutes</p> <p>Consent motion agreed to without division</p> <p><i>Legislative Grand Committee (England), 12.01.2016:</i></p> <p>No debate (question put forthwith).</p> <p>Consent motion agreed to without division</p>

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
	<p>03.05.2016</p> <p>Lords Amendments</p>	<p><i>Under S.O. No. 83O(2):</i></p> <p><i>England and Wales: Motions:</i></p> <p>(1) That this House disagrees with the Lords in their Amendment 109</p> <p>(2) That this House disagrees with the Lords in their Amendment 110</p> <p>(3) That this House agrees with the Lords in their Amendments 128 to 179 and 244 to 282</p> <p><i>England: Motions:</i></p> <p>(1) That this House disagrees with the Lords in their Amendment 1</p> <p>(2) That Amendments (a) to (c) be made to the Bill in lieu of Lords Amendment 1 disagreed to</p> <p>(3) That this House disagrees with the Lords in their Amendment 9</p> <p>(4) That this House disagrees with the Lords in their Amendment 10</p> <p>(5) That Amendment (a) be made to the Bill in lieu of Lords Amendments 9 and 10</p> <p>(6) That this House disagrees with the Lords in their Amendment 37</p> <p>(7) That this House disagrees with the Lords in their Amendment 47</p> <p>(8) That this House disagrees with the Lords in their Amendment 54</p> <p>(9) That this House disagrees with the Lords in their Amendment 55</p> <p>(10) That this House disagrees with the Lords in their Amendment 57</p> <p>(11) That this House disagrees with the Lords in their Amendment 58</p> <p>(12) That this House agrees with the Lords in their Amendments 2 to 8, 11 to 36, 38 to 46, 48 to 53, 56, 59, 60, 88 to 96, 197 to 199 and 215 to 239</p> <p>(13) That this House disagrees with the Lords in their Amendment 97</p> <p>(14) That Amendment (a) be made to the Bill in lieu of Lords Amendment 97 disagreed to</p> <p>(15) That Amendment (a) to Lords Amendment 111 be made</p> <p>(16) That this House agrees with the Lords in their Amendment 111, as amended</p> <p>(17) That this House disagrees with the Lords in their Amendment 108</p> <p>(18) That this House agrees with the Lords in their Amendments 100, 98, 99, 101 to 107, 112 to 127 and 240 to 243</p> <p><i>Under S.O. No. 83O(4):</i></p> <p><i>England: in respect of Lords Amendment 22, Motion That this House agrees with the Lords in their Amendments 2 to 8, 11 to 36, 38 to 46, 48 to 53, 56, 59, 60, 88 to 96, 197 to 199 and 215 to 239.</i></p>	<p>Four divisions on motions certified as relating to England only: all agreed to with double majority</p> <p>One division on motion certified as relating to England and Wales only: agreed to with double majority</p>

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
	09.05.2016 Lords Message	<p><i>Under S.O. No. 83O(2):</i></p> <p><i>England:</i></p> <p>(1) Government Motion to disagree to Lords Amendment 10B</p> <p>(2) Government Motion to disagree to 47B and 47C</p> <p>(3) Government Motion to insist on 97A and disagree to 97B</p> <p>(4) Government Motion to insist on disagreement to 108 and propose Government (a) in lieu</p> <p>(5) Motion to agree 109B</p> <p><i>England/England and Wales:</i></p> <p>Government Motion to insist on disagreement to 110 and propose Government (a) in lieu.</p>	Three divisions on motions certified as relating to England only: all agreed to with double majority
	11.05.16 Lords Message	<p><i>Under S.O. No. 83O(2):</i></p> <p><i>England:</i> Government Motion to disagree to Lords Amendment 47E</p>	Division on motion certified as relating to England only: agreed to with double majority
<i>Charities (Protection and Social Investment) Bill [Lords]</i>	04.11.2015 Before Second Reading	<i>England and Wales:</i> the entire Bill	
	26.11.2015 Before Third Reading	<p><i>Under Standing Order No. 83L:</i></p> <p><i>England and Wales:</i> the entire Bill, as amended (Bill 116)</p>	<p><i>Legislative Grand Committee (England and Wales), 26.11.2016:</i></p> <p>Committee sat for 14 minutes</p> <p>Consent motion agreed to without division</p>

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
<i>Childcare Bill</i> [Lords]	18.11.2015 Before Second Reading	<i>England:</i> Clauses 2, 4 and 6 of the Bill	
	25.01.2016 Before Third Reading	<i>Under S.O. No. 83L(2):</i> <i>England:</i> Clauses 3 and 5 of the Bill <i>Under S.O. No. 83L(4):</i> England: amendment 3 to Clause 2 made to the Bill in Committee (which is now Clause 1(5) in the Bill as amended)	Legislative Grand Committee (England), 25.01.2016: No debate Consent motion agreed to without division
Energy Bill [Lords]	18.11.2015 Before Second Reading	England and Wales: Clause 79 of the Bill	
	14.03.2016 Before Third Reading	<i>Under S.O. No. 83L(2):</i> England and Wales: Clause 78 of the Bill as amended in the Public Bill Committee (Bill 128), including any amendments made on report	Legislative Grand Committee (England and Wales), 14.03.2016 No debate Consent motion agreed to without division
Enterprise Bill [Lords]	27.01.2016 Before Second Reading	England and Wales: Clauses 24, 33 and 34 of the Bill England: Clauses 20, 21 and 26 of the Bill	

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
	09.03.2016 Before Third Reading	<p><i>Under S.O. No. 83L(2):</i></p> <p>England and Wales: Clauses 30, 32, 39 and 40 as amended in the public bill committee (Bill 142) including any amendments made on report</p> <p>England: Clauses 22, 23, 24, 25 and 27 of and Schedule 4 to the Bill as amended in the public bill committee (Bill 142) including any amendments made on report</p> <p><i>Under S.O. No. 83L(4):</i></p> <p>England and Wales: The omission in the public bill committee of Clauses 33 and 34 of the Bill as introduced (Bill 112)</p> <p>England: Amendments 10 to 18 made in the public bill committee to Clause 26 of the Bill as introduced (Bill 112) now Clause 32 of the Bill as amended in the public bill committee (Bill 142)</p>	<p>Legislative Grand Committee (England and Wales), 09.03.2016:</p> <p>No debate.</p> <p>Consent motion agreed to without division</p> <p>Legislative Grand Committee (England), 09.03.2016:</p> <p>No debate (question put forthwith).</p> <p>Consent motion agreed to without division</p>
Policing and Crime Bill	02.03.2016 Before Second Reading	<p>England and Wales: Clauses 10 to 23, 25, 29 to 32, 34, 36, 37, 39 to 55, 57 to 61, 74 to 76, 82 to 84, 87 and 107 of and Schedules 3 to 6, 10 and 11 to the Bill</p> <p>England: Clauses 1 to 9 of and Schedules 1 and 2 to the Bill</p>	

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
<i>Bill carried over to Session 2016–17</i>	13.06.2016 Before Third Reading	<p><i>Under S.O. No. 83L(2):</i></p> <p>England and Wales: Clauses 7, 11 to 16, 18, 20 to 26, 28, 30 to 32, 37 to 39, 41, 43, 45, 46, 48 to 64, 67 to 70, 72 to 77, 101 to 103, 110 to 112, 115 and 135 of the Bill as carried over into this Session (Bill 3) including the amendments made on report; Schedules 3 to 5, 7, 8, 12 and 13 to the Bill as carried over into this Session (Bill 3) including the amendments made on report; and New Clauses 30, 49, 55 and 56</p> <p>England: Clauses 1 to 6 and 8 to 10 of the Bill as carried over into this Session (Bill 3) including any amendments made on report; and Schedules 1 and 2 to the Bill as carried over into this Session (Bill 3)</p> <p><i>Under S.O. No. 83L(4):</i></p> <p>England and Wales: Amendment 145 to Clause 22 (now Clause 27)</p>	<p>Legislative Grand Committee (England and Wales), 13.06.2016:</p> <p>No debate.</p> <p>Consent motion agreed to without division</p> <p>Legislative Grand Committee (England), 13.06.2016:</p> <p>No debate (question put forthwith).</p> <p>Consent motion agreed to without division</p>
Finance (No. 2) Bill	11.04.2016 Before Second Reading	England, Wales and Northern Ireland: Clauses 116 to 122, 130 and 131 of, and Schedule 16 to, the Finance (No. 2) Bill	
<i>Bill carried over to Session 2016–17 as Finance Bill</i>	06.09.2016 Before Third Reading	<p><i>Under S.O. No. 83L:</i></p> <p>England, Wales and Northern Ireland: Clauses 126 to 132, 141 and 142 of, and Schedule 16 to, the Finance Bill (Bill 47)</p>	<p>Legislative Grand Committee (England, Wales & Northern Ireland), 06.09.2016</p> <p>No debate.</p> <p>Consent motion agreed to without division</p>
Higher Education & Research Bill	06.07.2016 Before Second Reading	England: Clauses 38, 56, 59 to 61 and 80 of and Schedules 5 and 6 to the Bill (Bill 4)	

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
	21.11.2016 Before Third Reading	<i>Under S.O. No. 83L(2):</i> England and Wales: Clause 81 England: Clause 56 and Schedule 5 <i>Under S.O. No. 83L(4):</i> England: Amendments 109, 243, 244 and 245 made in public bill committee to Clause 80 of the Bill as introduced (Bill 4), now Clause 81 of Bill as amended in the public bill committee (Bill 78).	Legislative Grand Committee (England and Wales), 21.11.2016: No debate (Programme Order). Consent motion agreed to without division Legislative Grand Committee (England), 21.11.2016: No debate (question put forthwith). Consent motion agreed to without division
Neighbourhood Planning Bill	14.09.2016 Before Second Reading	England and Wales: Clauses 9 to 25 and 28 to 30 of the Bill England: Clauses 1 to 8, 26 and 27 of and Schedules 1 and 2 to the Bill	

Title of Bill	Date and Stage	Provisions or motions certified	Subsequent proceeding
	13.12.2016 Before Third Reading	<i>Under S.O. No. 83L(2):</i> England and Wales: Clauses 14 to 30 and 33 to 35 of the Bill (Bill 83) including the Amendment made on Report and New Clause NC6 added on Report England: Clauses 1 to 13 and 31 and 32 of, and Schedules 1 to 3 to, the Bill (Bill 83) including the Amendments made on Report	Legislative Grand Committee (England and Wales), 13.12.2016: No debate (Programme Order). Consent motion agreed to without division Legislative Grand Committee (England), 13.12.2016: No debate (question put forthwith). Consent motion agreed to without division
Technical & Further Education Bill	02.11.2016 Before Second Reading	England and Wales: Clauses 2 to 38 of and Schedules 2 to 4 to the Bill England: Clause 1 of and Schedule 1 to the Bill	
Digital Economy Bill	28.11.2016 Before Third Reading <i>No certificate issued before Second Reading</i>	<i>Under S.O. No. 83L(2):</i> England: Clause 85	Legislative Grand Committee (England), 28.11.2016: Committee sat for 8 minutes Consent motion agreed to without division
Children and Social Work Bill [Lords]	30.11.2016 Before Second Reading	England and Wales: Clauses 8, 9 and 58 of the Bill England: Clauses 1 to 7, 10 to 30, 32 to 57 of and Schedules 1 to 3 to the Bill	

Source: Votes and Proceedings of the House of Commons

Table 2: Motions relating to delegated legislation, &c.

Instrument or motion	Type	Date and nature of certification	Date and nature of decision
Draft Non-Domestic Rating (Levy and Safety Net) (Amendment) (No. 2) Regulations 2015	Approval motion	18.11.2015, England	01.12.2015; agreed to without division
Draft Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Code E) Order 2015	Approval motion	18.11.2015, England and Wales	07.11.2015; agreed to without division
Draft Legal Services Act 2007 (Claims Management Complaints) (Fees) (Amendment)	Approval motion	25.11.2015, England and Wales	11.01.2016; agreed to without division
Draft Agricultural Holdings Act 1986 (Variation of Schedule 8) (England) Order 2015	Approval motion	09.12.2015, England	12.01.2016; agreed to without division
Education (Student Support) (Amendment) Regulations 2015 (S.I., 2015, No. 1951)	Motion to annul (EDM (2015–16) 829)	06.01.2016, England	19.01.2016; negated on division (double majority)
Draft Infrastructure Planning (Onshore Wind Generating Stations) Order 2016	Approval motion	20.01.2016, England and Wales	23.02.2016; agreed to without division
Draft Warrington (Electoral Changes) Order 2016	Motion that the instrument be not made (EDM (2015–16) 924)	27.01.2016, England	Not applicable: instrument considered in Committee but motion not taken on Floor
Draft Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016	Approval motion	09.02.2016, England	07.03.2016: agreed to without division
Police Grant Report (England and Wales) for 2016–17 (HC 753)	Approval motion	No certification (SO No. 83R)	10.02.2016: agreed to on division (double majority)

Instrument or motion	Type	Date and nature of certification	Date and nature of decision
Report on Local Government Finance (England) 2016–17 (HC 789)	Approval motion	No certification (SO No. 83R)	10.02.2016: agreed to on division (double majority)
Referendums Relating to Council Tax Increases (Alternative Notional Amounts) (England) Report 2016/2017	Approval motion	09.02.2016, England	10.02.2016: agreed to without division
Referendums Relating to Council Tax Increases (Principles) (England) 2016–17 (HC 790)	Approval motion	No certification (SO No. 83R)	10.02.2016: agreed to without division
Draft Tees Valley Combined Authority Order 2016	Approval motion	24.02.2016, England	16.03.2016: agreed to without division
Draft Crown Court (Recording) Order 2016	Approval motion	11.04, 2016, England and Wales	03.05.2016: agreed to without division
Stamp duty land tax (calculating tax on non-residential and mixed transactions)	Ways and Means Resolution (Budget 2016, No. 45)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Stamp duty land tax (higher rates for additional dwellings etc.)	Ways and Means Resolution (Budget 2016, No. 46)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Stamp duty land tax higher rate (land purchased for commercial use)	Ways and Means Resolution (Budget 2016, No. 47)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Stamp duty land tax higher rate (acquisition under home reversion plan)	Ways and Means Resolution (Budget 2016, No. 48)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Stamp duty land tax higher rate (properties occupied by certain employees)	Ways and Means Resolution (Budget 2016, No. 49)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Stamp duty land tax (co-ownership authorized contractual schemes)	Ways and Means Resolution (Budget 2016, No. 50)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division

Instrument or motion	Type	Date and nature of certification	Date and nature of decision
Landfill tax (rates)	Ways and Means Resolution (Budget 2016, No. 57)	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Motion on Procedure (Future Taxation) relating to rates of landfill tax	Budget 2016 procedure motion	21.03.2016, England, Wales and Northern Ireland	22.03.2016: agreed to without division
Draft Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) (Amendment) Order 2016	Approval motion	20.04.2016, England and Wales	13.06.2016: agreed to without division (motion tabled again in new Session)
Draft Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2016	Approval motion	20.04.2016, England and Wales	13.06.2016: agreed to without division (motion tabled again in new Session)
Draft Licensing Act 2003 (Her Majesty the Queen's Birthday Licensing Hours) Order 2016	Approval motion	20.04.2016, England and Wales	03.05.2016: agreed to without division
Draft Pubs Code etc. Regulations 2016	Approval motion	20.04.2016, England and Wales	<i>Instrument withdrawn</i>
Draft Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016	Approval motion	20.04.2016, England and Wales	<i>Instrument withdrawn</i>
Draft West Midlands Combined Authority Order 2016	Approval motion	03.05.2016, England	15.06.2016: agreed to on deferred division (double majority)
Draft Access to Justice Act (Destination of Appeals) Order 2016	Approval motion	11.05.2016, England and Wales	13.06.2016: agreed to without division (motion tabled again in new Session)
School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 (S.I., 2016, No. 204)	Motion to annul (EDM (2016–17) 143)	08.06.2016, England	Not applicable: instrument considered in Committee but motion not taken on Floor
Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I., 2016, No. 332)	Motion to annul (EDM (2016–17) 142)	08.06.2016, England	Not applicable: instrument considered in Committee but motion not taken on Floor

Instrument or motion	Type	Date and nature of certification	Date and nature of decision
Draft Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2016	Approval motion	08.06.2016, England and Wales	05.07.2016: agreed to without division
Draft Telecommunications Restriction Orders (Custodial Institutions) (England and Wales) Regulations 2016	Approval motion	08.06.2016, England and Wales	13.07.2016: agreed to without division
Draft Water and Sewerage Undertakers (Exit from Non-household Retail Market) Regulations 2016	Approval motion	08.06.2016, England and Wales	11.07.2016: agreed to without division
Draft Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority (Election of Mayor) Order 2016	Approval motion	15.06.2016, England	18.07.2016: agreed to without division
Draft Tees Valley Combined Authority (Election of Mayor) Order 2016	Approval motion	29.06.2016, England	13.07.2016: agreed to without division
Draft Criminal Justice Act 1988 (Offensive Weapons) (Amendment) Order 2016	Approval motion	29.06.2016, England and Wales	19.07.2016: agreed to without division
Draft Pubs Code etc. Regulations 2016*	Approval motion	29.06.2016, England and Wales	18.07.2016: agreed to without division
Draft Pubs Code (Fees, Costs and Financial Penalties) Regulations 2016*	Approval motion	29.06.2016, England and Wales	19.07.2016: agreed to without division
Draft Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016	Approval motion	06.07.2016, England	20.07.2016: agreed to without division
Draft Neighbourhood Planning (Referendums) (Amendment) Regulations 2016	Approval motion	06.07.2016, England	13.09.2016: agreed to without division
Draft West Midlands Combined Authority (Election of Mayor) Order 2016	Approval motion	06.07.2016, England	14.09.2016: agreed to on division (double majority)

Instrument or motion	Type	Date and nature of certification	Date and nature of decision
Draft Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority (Election of Mayor) Order 2016	Approval motion	13.07.2016, England	<i>Instrument withdrawn</i>
Draft Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016	Approval motion	20.07.2016, England	18.10.2016: agreed to without division
Civil Legal Aid (Merits Criteria) (Amendment) Regulations 2016 (S.I., 2016, No. 781)	Approval motion	07.09.2016, England and Wales	24.10.2016: agreed to without division
Draft Coasting Schools (England) Regulations 2016	Approval motion	26.10.2016, England	12.12.2016; agreed to on division (double majority)

Source: Votes and Proceedings of the House of Commons

Formal Minutes

Wednesday 14 December 2016

Members present:

Mr Charles Walker, in the Chair

Bob Blackman	Helen Goodman
Jenny Chapman	Patrick Grady
Nic Dakin	Sir Edward Leigh
James Duddridge	Mr David Nuttall
Patricia Gibson	

Draft Report (*English votes for English laws Standing Orders: report of the Committee's technical evaluation*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 77 read and agreed to.

Annex and Summary agreed to.

Resolved, That the Report be the Third 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.

[Adjourned till Wednesday 11 January 2017 at 2.30 pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 7 September 2016

Question number

Professor Michael Kenny, Director, Mile End Institute, Queen Mary University of London, **Daniel Gover**, Research Fellow, Mile End Institute, Queen Mary University of London

[Q1–24](#)

Wednesday 26 October 2016

Pete Wishart MP, Scottish National Party Shadow Leader of the House

[Q25–51](#)

Wednesday 2 November 2016

Paul Flynn MP, representing the Shadow Leader of the House, **Valerie Vaz MP**

[Q52–65](#)

Mr Jacob Rees-Mogg MP

[Q66–78](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

EVL numbers are generated by the evidence processing system and so may not be complete.

- 1 Daniel Gover and Professor Michael Kenny, Mile End Institute, Queen Mary University of London ([EVL0011](#))
- 2 Dr Louise Thompson ([EVL0009](#))
- 3 Lady Hermon MP ([EVL0013](#))
- 4 National Assembly for Wales ([EVL0008](#))
- 5 Public Bill Office, House of Commons Service ([EVL0014](#))
- 6 Scottish National Party ([EVL0012](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Government proposals for English votes for English laws Standing Orders: Interim Report	HC 410 (HCWS (2015–16) 251)
Second Report	Notification of the arrest of Members	HC 649
Third Report	Private Members' bills	HC 684 (HC 383)
Fourth Report	Programming: evaluation of the trial of new arrangements for tabling amendments	HC 823

Session 2016–17

First Report	Monitoring of written Parliamentary questions: progress report for Session 2015–16	HC 191
Second Report	Private Members' bills: Observations on the Government response to the Committee's Third Report of Session 2015–16 HC 684	HC 701